

**COMMONWEALTH OF VIRGINIA**  
**BOARD OF CORRECTIONS**

Retreat	April 29, 2010
Location.....	Academy for Staff Development 1900 River Road, West Crozier, Virginia
Presiding .....	Sterling C. Proffitt, Chairman
Present .....	Cynthia M. Alksne Jonathan T. Blank James H. Burrell Peter G. Decker, III Rev. Anthony C. Paige James R. Socas B. A. Washington, Sr.
Absent.....	Raymond W. Mitchell

**9:00 a.m., Thursday, April 29, 2010**

Academy for Staff Development, 1900 River Road, West, Crozier, VA 23039

The meeting was called to order. The Chairman welcomed everyone.

**I. Welcome (Mr. Leininger)**

Mr. Leininger welcomed the Board to the Academy and turned the meeting over to the Board Chairman.

Mr. Proffitt remarked this is the first Board Retreat. The Chairman thanked Mrs. Alksne for her energy and efforts expended in putting the Retreat together; the Director and his staff for their assistance and participation; and the Academy for Staff Development for its willingness to provide the meeting space and assistance with bringing the meeting together. He indicated for the record that this is a Public Meeting.

He asked Mrs. Woodhouse to call the roll. One member was absent as noted during the verbal roll call and as indicated above. A quorum was present. The Chairman then asked all other attendees to identify themselves and their agency affiliation for the record.

**II. Legal Briefing - Mr. Katz, Senior Assistant Attorney General, Correctional Litigation Unit, Office of the Virginia Attorney General**

**❖ Board Statutory Role**

MR. KATZ: §53.1-5 sets out the intent of the General Assembly regarding the role of the Board. §53.1-10 sets out the powers and duties of the Director. He stated there is no conflict between the two sections of the Code. The Board is a policy-making body; it is the Director's responsibility to run the day-to-day operations of the Department as well as to implement Board policy.

- *DRAFT* -  
- *For review and discussion purposes only* -  
- *DRAFT* -

This policy-making Board is responsible for making rules and regulations necessary to carry out Title 53.1 (Prisons and Other Methods of Corrections). The Standards for the operation of local jails are an example of the Board's policy-making function. He noted that §2.2-2100 of the Code states that policy Boards are not responsible for supervising the Agency. As the Department is an Executive Branch Agency, the Governor has ultimate authority over the Director and has delegated some of his authority to the Secretary of Public Safety.

MRS. WOODHOUSE: All Regulations implemented by the Board as required by Code are listed on the Regulatory Town Hall and can be found at <http://www.townhall.virginia.gov/L/ViewBoard.cfm?BoardID=50>. Statutory review of Board policies is undertaken by the Department on a set schedule as set out by procedure. There have been no new Board Regulations in years.

MR. KATZ: Number three under the Board's duties (review and comment on all budgets and appropriations of the Department prior to submission) stating that even though it is a power granted to the Board, it should be interpreted within the context of what the budget-making process is for the Commonwealth.

- ✓ Members of the Board feel a process could be implemented whereby it can review the Department's budget prior to submission to coincide with its powers and duties.

MRS. ALKSNE: With regard to number four under the Board's duties (monitor the activities of the Department and its effectiveness in implementing the Standards and Goals of the Board) it was asked if it means effectiveness in implementing the Mission or effectiveness of the Goals?

MR. KATZ: The Board can monitor its effectiveness by meeting its Goals, which must be set so as to be achievable by the Department, too. In setting its Goals, the Board should be aware of what the bigger picture is in the Public Safety Secretariat and should coordinate with that office and have a dialogue as to where the Board and the Department should be headed. Monitoring should be interpreted as somewhere less than micromanaging but more than ignorance. Unfortunately, it is a nebulous area and each Board needs to set that definition for itself. The Board should also realize that its function is somewhat different from that of a Board of Directors in the private sector in that the Board has no responsibility for the bottom line of the Agency.

- ✓ Rev. Paige suggested: The Board should measure its effectiveness by asking the question: is it doing the things set out in the Code. If it is not doing so, then it needs to bring itself in line.

MRS. ALKSNE: Language in the Appropriation Act tasks the Board with determining how many beds there are in the local jails. Can the Board set goals on how that determination should be made or is it an operational question? Where does the line fall

- DRAFT -  
- For review and discussion purposes only -  
- DRAFT -

so that the Board complies with its role?

MR. KATZ: As the Board has the ultimate responsibility for determining how many beds there are, it was suggested to collect the most advice from the experts and come up with a methodology that makes sense to the Board. If the Board wants expertise on this subject that maybe already exists in the state but is not within the Department of Corrections, the Department of Criminal Justice Services can help. The Board has never held a public hearing and called people in to give testimony as to what their expertise is, and the Board has never been charged with undertaking anything such as this.

✓ The bottom line is the Board has broad authority. This matter should be taken up in further discussion regarding what avenue the Board wants to pursue.

❖ **Bell v. Wolfish Overview**

MR. KATZ: Regarding Bell v. Wolfish, double bunking is not unconstitutional. In order to determine what is or is not constitutional, the Board must look at the totality of the circumstances that make up one's incarceration. This determination is difficult to define.

The Bell case was decided on the basis of due process. There is now a later Fourth Circuit case, which is more to the point, which talks about the 8th Amendment (cruel and unusual punishment) and is more in line with what the Board will be looking at as far as overcrowded conditions. Strickler v. Waters is a 1993 Fourth Circuit case that dealt with the Portsmouth Jail which says, "To make out a prima facie case where prison conditions violate the 8<sup>th</sup> Amendment, the plaintiff must show a serious deprivation of a basic human need and deliberate indifference to prison conditions on the part of prison officials." The rule of thumb should be that you can have overcrowding that does not rise to the standard of serious deprivation of basic human needs but you can have some that do rise to the standard. In order to make this determination, there will have to be a fact-intensive analysis taking into account all of the conditions inmates live in every day. When you look at some jails and prisons, you may say those are clearly unconstitutional conditions but when you look at others, you may say it is certainly not pleasant but does not cross the line. The Board must make that determination.

As the Board performs this survey of the localities and beds, it is not creating evidence about overcrowding in Virginia. That evidence already exists. Everyone has heard that the mattresses come out at night and go in during the day and there are guys sleeping next to toilets. Inmates are in fact stacked up in the jails but that is not the issue. The issue is whether under the totality of their circumstances they are being subjected to cruel and unusual punishment, and the mere fact that there are lots of bodies in the jails does not answer the question.

- *DRAFT* -  
- *For review and discussion purposes only* -  
- *DRAFT* -

- ✓ MR. SOCAS: Should this not be a policy matter the Board should be discussing? If it comes close to cruel and unusual punishment or subjects Board members, the Department or the state to legal risk, shouldn't that be the focus of the Board?

MR. KATZ: The Board can address this issue through its construction and operational standards. The Board can have a standard say whatever it wants about the number of people confined in a particular area.

MR. CASALE: Currently, the only operational standard the Board has in place refers to the safety and cleanliness of the jail, not overcrowding of the jail.

MR. WILSON: Currently the only way to enforce overcrowding is if the Fire Marshal goes in and says you are over your occupancy rating so you have to remove inmates from the jail. There is no Board standard that sets anything out with regard to overcrowding. There is a definition in the planning, design and construction standards for overcrowding that says if a facility is consistently 25 percent over operating capacity, the facility is considered overcrowded but just because it is considered overcrowded does not mean the facility is not operating safely.

MR. KATZ: The conclusion is there are plenty of jails that are overcrowded. That should be the first inquiry/determination. The next inquiry should be what is the result, as far as the Constitution goes, of that overcrowding. There are lots of jails that are overcrowded whose conditions are not unconstitutional.

- ✓ Rev. Paige remarked: The Board needs clarification on what this bed count assignment is really all about in order to find out what its options are. Staff can get clarification of what the assignment is, what the Board's options are and can then come up with a proposal that will work for Virginia within the powers and duties and responsibilities of the Board and the Department. The first job is to find out how many beds there are.

## ❖ Capital Cases

MR. LEININGER: There is an execution scheduled for May 20. There are 14 others in the pipeline.

MR. KATZ: Capital cases run through their direct appeals and then go through their habeas petitions. The direct appeal goes through the Virginia Supreme Court, the 4<sup>th</sup> Circuit and the U.S. Supreme Court on the basic conviction. The habeas corpus track goes through the state and federal courts. It takes approximately seven years to get to the point where a real execution date is set.

- DRAFT -  
- For review and discussion purposes only -  
- DRAFT -

- ✓ Members agreed: The Board would like to be advised of upcoming executions. It will not require the details unless there is a serious claim of actual innocence. The Board would also like to know the professional aspect of the process so if somebody asks, it can help. The Department will provide upcoming execution dates as well as a synopsis of the case.

### **III. State of the Department - Director Johnson** **Staff attending John Britton, Gary Clore, Fred Schilling, Dr. Robin Hulbert**

#### **❖ State of the Department**

MR. JOHNSON: Virginia is one of the better correctional operations in the country. Since 2002, the Department has lost \$157 million of its budget. It has also lost 2,295 positions but in losing 2,295 positions, it has laid off less than 100 people. The Department has closed a number of institutions.

The Department begins every year about \$25 million short and it survives by holding vacancies open. When you start out having to hold vacancies open to meet your bottom line and then are required to hold more vacancies open, you are put in a tight position.

One of the main things the Department is facing is gangs. Gangs are becoming more widespread. There are approximately 8,000 inmates identified to be associated with gangs. Crowding is an issue. In the early 90s, the Department began to double everything it could. MSDs like Indian Creek and Dillwyn and Haynesville were designed based on 500 people. When the Department started building them, there was an agreement with the Legislature to operate them with 800. Today they are over 1200. Going back to the AG's conditions of confinement, it is not that bad but it is a touchy situation when you are that much overcrowded.

#### **❖ Prisoner Population Growth Over Time** **Prisoner Demographics** **Race & Ethnicity**

MR. BRITTON: For all state-responsible inmates, the system has reached plateaus in the past but it was never thought to decline. The trend was forecasted to continue and the forecast was incorrect. As of March, it was forecasted to plateau but even that has not happened.

MR. HICKMAN: Some speculation about this is when resources decline, you don't have as many officers out there apprehending people, and you may even have fewer prosecutors. Sentencing changes may have something to do with this.

There is the same type of decline in local jails as well. One explanation may be the drug wars in Mexico because most of the decline in both state- and local-responsible is

- *DRAFT* -  
- *For review and discussion purposes only* -  
- *DRAFT* -

related to declines in drug offenders and drug wars in Mexico have cut off a lot of the supply to the United States. We do not know exactly what the causes are but most localities in Virginia have been going through the same budget constraints as the state has and most cities have either held police officer positions vacant or they have not been paying overtime to police officers. That is a big change over the past couple of years and that results in less police time on the street to make drug arrests so priorities get set, which may be another possible factor. The most recent data is no increase in the violent crime rate has been seen. It continued to decrease last year. There is some upward trend in the minor property crimes that you might associate with an economic downturn so there may be some effect of the economy but it has not affected the violent crime rate, which have been coming down.

MR. HICKMAN: It is sometimes interesting to see what is going on in neighboring states and states similar to us. About half the populations have gone up and about half have gone down. Maryland's prison population has gone down but then West Virginia's has gone up. Some of the resource and drug issues may be affecting them, too.

Regarding jails, the patterns that appear in the jails come to us at some point so we see the same declining trends that have affected us. The forecast group was watching this for a year; we didn't see it affecting the prison system, but it has.

We don't talk about community corrections but if we are going to affect re-entry success, we need to pay attention to what's going on in the community system. If we ever want to have success with recidivism and re-entry, this is the system that deals with that quite a bit. The caseload per worker in the community facilities has gone up pretty dramatically. Most literature recommends 60 or 70 maximum, and POs in the Tidewater area are carrying 130. You might find caseloads below 100 but not many. They are trying to use risk assessment and work with the high-risk offenders and not spend resource time on the low-risk offenders.

❖ **Gangs – Mr. Gary Clore, Gang Management Unit Manager**

MR. CLORE: The gang unit falls under the Division of Operations on the operational side of the Department and coordinates efforts with Probation and Parole. There are just under 8,000 gang members that are active and identified and are being tracked inside our facilities and in community corrections under supervision with probation and parole. Each institution has at least two certified gang specialists who have enhanced skills to investigate and monitor gang activity and pick up on the signs that the general public or a front-line officer might not have that skill level to pick up on the signs. Each P&P District has at least one gang specialist; some have more than one. Headquarters Gang Unit staff oversees training, support and intelligence gathering and information sharing from those individuals either inside the institutions or on the community side of corrections.



- DRAFT -  
- For review and discussion purposes only -  
- DRAFT -

The package identifies every gang we are dealing with in Virginia. There are a couple of people listed who have not been found inside the borders of the Commonwealth. The largest gang in Virginia is the Bloods, who outnumbers all other gangs many times over. It is the most popular group for the kids on the street as well as the inmate population. Next would come the Hate or Supremacy groups. White Supremacy and Black Separatism and even some Brown Pride hate groups are out there as well.

MR. CLORE: If it appears the gang population has been growing in the Department, I don't want to mislead you. Part of that is probably due to the enhanced training that staff has received over the last five or six years, which means that they are picking up on the gang activity, so an assault inside an institution which five or ten years ago would have been written up as a general assault, now they have the skill level to identify that as a gang motivated or gang participation. Not every assault that has gang members participating in it is gang motivated because gang members get upset when somebody steals from them, just like any other inmate. So they may be a gang member and may be involved in an assault but it wasn't an assault that was gang related. It is the motivation behind the assault that gives that determination.

This is not just a DOC unit. It spends a lot of time sharing intel with outside agencies. As we are monitoring the gang member inside, he/she is still communicating with the gang members outside. We have the authority and responsibility to read their mail when they are a high-risk supervision situation, and we record and listen to the phone calls. So as a gang member on the street is talking to someone inside and bragging about the drive-by last night or the armed robbery or how many people they have recruited, we are sharing that information directly with the local or state or federal agency that has jurisdiction as well as the Virginia Fusion Center.

MR. LEININGER: The Department is having a difficult time keeping cell phones out of prisons. A lot of what the Gang Unit deals with transpires by cell phones that get inside. It is hoped that federal legislation will give some assistance with that endeavor.

Violent assaults are actively prosecuted. Many of these gang assaults do not get to the level of being a felony assault. We have a task force with the AG's Office, the State Police and the four people in my Unit, and we take the more aggravated assaults and we prosecute those using a prosecutor from the AG's office who is assigned to our task force. We have had an excellent record. This prosecutor has never lost a case.

MR. CLORE: The Gang Unit has no budget. The four staff members were taken from other needed positions in the Department because Mr. Johnson and Mr. Jabe saw the need to be the forerunner. The U.S.M.C. has requested permission to send their anti-insurgency unit, specifically a major, to live with us for six or eight weeks to model what we are doing at DOC to model what we are doing at a national or international level. Staff has been requested to appear at Andrews AFB on May 4, 2010, because the

- DRAFT -  
- For review and discussion purposes only -  
- DRAFT -

Air Force wants to model what the Department's Intelligence group is doing in gang interdiction as well as deterrence, so even though the money is not there, there are dedicated staff in the agency that you folks oversee who are eager to impact not just the safety inside the institutions but safety in the communities where you live.

Our intent is to get the word out with the gangs to offer deterrence. We know that word trickles through. We are in the process of offering a renunciation-type unit. We want to offer an opportunity to the gang members who have determined that this is not a lifestyle they want to continue to enter a therapeutic community in the very near weeks to make that separation from the gang. It has to be voluntary. Without increased funding we are opening this up because we are releasing these dozens of gang members a month to the street, and we are getting that many from the jails. I have no forecast but with our budget constraints, we are going to take this initiative on above and beyond security issues in the institutions.

- ✓ MR. SOCAS: From a policy standpoint, what should the Board be thinking about this issue leading to if you look at analogous states, you do read about some of the practices of the gang members. It seems John (Britton) gave encouraging data on the population coming down. This would seem to be discouraging data, and what should the Board be thinking about this leading to in the next few years?

MR. CLORE: There will have to be funds put towards this because we have four people dealing with 8,000 gang members who are connected with 15,000 or 20,000 in your communities. It is not just an advisory-Board position, it is a hometown-USA situation. Right now, Virginia's DOC Gang Unit is the tip of the spear with the State Police, with local and federal agencies. We have other people who want to mirror and mimic what we are doing because of our success rate. Not that we are able to stop the gangs, but we are able to stop some killings on the street, and we are able to clear shootings within hours of when they have occurred because we are monitoring key players. People from Senate Finance Committee tried to get us double staffing several years ago. That was stopped due to no fault of their own. I told them then if we had eight people instead of four, that four or five years from now those eight people would be grossly understaffed and overworked because of the growing volume of gangs.

When the Department began this initiative 10 years ago, the Department was the only state agency that identified and forecast gang issues. Now that's not the case. We have investigative grand juries and police departments that we train. We have trained all of the divisions in the state police. We have done 40-hour blocks of training for police academies on search warrants and how to interdict gangs on the street and how to establish grand-jury-type investigations on gangs. So what's happening now is instead of one or two gang members being locked up, we are having 8 or 10 or 12 being indicted at the same time, so the influx of gangs inside the jails, who are still in denial, and the influx of them coming to us is going to be a great security issue because we are trying to supervise the theory that these guys were in a gang and a year and half from now, we are going to have 15 or 20 from the same gang coming in within the same few



- *DRAFT* -  
- *For review and discussion purposes only* -  
- *DRAFT* -

hours or days' window, and we are not prepared to keep them separated because they were already organized on the street and it will be business as usual when they come inside. We have not developed strategies on how to handle gangs inside.

DOJ is looking into gangs on a federal level. A lot of the surveys they sent out to the local agencies and jurisdictions in Virginia are not being returned, so those dollars are not going to flow there from the federal government until the necessity has been justified. If the Sheriffs, Chiefs of Police and the local and regional jails were somehow encouraged to come on board more quickly than we have been able to influence them by offering free training and free resources, my folks go to a jail any time a jail calls, we go and do a tattoo survey which means we go through and look at every piece of ink, scar, birth mark, body piercing in a facility and tell them that's gang, that's gang, that's gang, and they are not aware of that. And these secret identifiers are right there in their face but they have had the skill level and the training. Unfortunately, only about a dozen jurisdictions have asked us to do that.

❖ **Health Services Overview – Mr. Fred Schilling, Health Services Director**

MR. SCHILLING: The offenders' legal right is grounded in the 8<sup>th</sup> Amendment of the U.S. Constitution and prohibits cruel and unusual punishment and prohibits deliberate indifference. All offenders have the legal right of access to health care, the legal right to a professional opinion and also the legal right to have the orders dictated by that professional carried out.

We have a system for medical, dental and mental health care within the Department, and that system includes, on the primary care beginning, intake in the reception centers. When they first come into our system we do a history and physical, we do mental health assessments, we make sure they are coded medically properly for an assignment to a permanent institution. We do that at the reception centers. Also under the primary care piece, we have basically almost round-the-clock sick call that is available at the institutions to the offenders so they can access 24-hour nursing, so over half of the institutions, if they are coded to a 24-hour institution, then they have nurses available to them. And we also in addition to doing sick call, which is available all the time, we do chronic care. Every six months routine chronic care is scheduled for the hypertensives, for the asthmatics, for the HIV/AIDS and other chronic-care clinics. Just like on the street if you were a hypertensive, you probably would be seeing your physician every six months. In addition to chronic-care clinics, we have within our system of primary care, we have infirmaries. Infirmaries are basically like skilled level of nursing care, so it can be pre- or post-hospitalization, acute level, or it can be chronic care. You can be in a chronic situation where you would reside in the infirmary. We have medical observation beds in all of the major institutions, where if you had flu-like symptoms and you needed to be monitored for the next day or so, all of the major institutions have medical-observation beds.

- *DRAFT* -  
- *For review and discussion purposes only* -  
- *DRAFT* -

In addition, if you require assisted-living care, we have assisted-living beds whereby your activities of daily living, if you needed help in dressing, in toiletry, in bathing, in transferring from a wheel chair to your bed, all of those activities of daily living can be given to you, cared for in our assisted-living bed. In addition to that, under the specialty care, if you need acute-care-level hospitalization at VCU Medical Center, we have, as of about two years ago, a brand-new, 25-bed inpatient acute care medical/surgical floor with all of the intensive-care units above it on the 14 stories. And also there we also see some outpatient clinics. We have about 8,000 outpatient visits a year, but we usually on the inpatient side run about 15 inpatients a day. Of course, they may be scattered at community hospitals across the state depending on where the institution is and depending on their condition. But we also are able to do a fair amount of outpatient care within that secured floor of the critical-care hospital at VCU Medical Center. There is also another secure floor at Southampton Memorial Hospital in Franklin, and there is even a smaller one out at Radford at New River Valley Hospital.

### **Health Care Costs**

MR. SCHILLING: From a cost standpoint, we average \$4,300 per inmate per year. We just got through an audit by the Department's Internal Auditing Team. They found us to be one of the lowest per-inmate costs of the DOCs they surveyed around the country. That equates to a total dollar amount of about \$144 million a year total. That includes the psychiatry and the psychotropic medications. It does not include the psychologists. But it includes the physicians, the nurses, we do about 85 percent of the care inside the system, and then it also includes all of the off-site specialty care that is done. We can also do our specialty care remotely through Telemedicine. We do several thousand Telemedicine visits where the inmate is in the medical department within the institution, and the specialist is somewhere remote and they are seeing them over Telemedicine. We have been doing that since 1995, and we have had a lot of success with that.

Cost-wise just like we as Americans can expect about a 30-45 percent increase in the next ten years in health care. Health care is like death and taxes. You can expect taxes to go up from time to time and you can always expect health care to go up. Technology is driving a lot of it. It is amazing how technology keeps it state of the art, keeps improving. Also, we depend heavily on primary-care physicians. As you know, there is a big shortage of primary care physicians in America. They don't get paid as much as the physicians that do procedures, so less of them go into residency programs and with the added 32 million Americans in the next few years, that is going to increase the demand for these primary care, these family practitioners and internists demand for us and for all of America.

### **Electronic Health Record**

- DRAFT -  
- For review and discussion purposes only -  
- DRAFT -

Future-wise, the electronic health record. We see that in the private sector, who has had that since the 1960s. We have in our plan in the Department in the next few years as money permits to go to an electronic health record and that will be a work in progress for decades to come both in America and in the Department. The progression of the electronic health record will be a very hot item in the years to come.

MR. BURRELL: Does the Department had any preventative programs.

### **Preventative Health**

MR. SCHILLING: The response was yes. The Department follows the American College of Radiology for mammographies. It follows the Gastroenterology Society for colonoscopies. On the dental side, we have dental hygienists who will clean teeth and encourage prevention and taking care of their teeth. We try to emphasize prevention as much as possible. As far as any control the Department has over meals that are served, the Department subscribes to Heart-Healthy diets.

REV. PAIGE: What type of health screening is done as inmates prepare to exit, pre-release. Are there any pre-release screenings, particularly HIV.

MR. SCHILLING: For anyone that is being released we go over their entire record and we do a discharge summary. We come down to what meds are they on, what is their principal diagnoses, what is their secondary diagnoses. We also connect HIV/AIDS inmates with outside clinics, especially through VCU Medical Center if they are being located in Central Virginia, and we make their appointments for them. We have inmates who have end-stage renal dialysis that are on hemodialysis three times a week. If they are ready for release, we make sure they have an appointment on the outside. We do not give inmates who are leaving HIV tests. If they ask for one, certainly. If they were all of a sudden symptomatic, yes, a physician would say, yes, you need one. A patient can always refuse care, so they would have to cooperate.

REV. PAIGE: Noted that HIV-positive people are being released and coming into the community and infecting people and it is a big problem. Spouses are falling victim to this. A part of the problem with the medications is the medications are working and therefore people look good and they are not honest with their partners and they are infecting them. Individuals who were not a registered HIV patient in the prison but came out and were not screened, and a partner waiting outside falls victim. It is accounting for a lot of HIV and it is amazing that after individuals are locked up and they are released there is no screening. That is very troubling.

MR. PROFFITT: That would have a large budget impact if the Department had a standard practice.

MR. LEININGER: The Department does not screen offenders coming in, either.

- *DRAFT* -  
- *For review and discussion purposes only* -  
- *DRAFT* -

MR. SCHILLING: Rep. Dance (Petersburg) this last session introduced a bill that was defeated but they costed it all out and it was in the millions of dollars to provide such a program. Again, the patient always has the final say if they want one. While they are in the system, we put a lot of education on the HIV/AIDS to them through the medical department, through the counseling staff and we also let different groups in the community come into the institutions and do education for them; and any time during incarceration an offender can go to the Medical Department and say I want an HIV test and that will get done. We don't have it where you would like it to be but we do have something.

MR. SCHILLING: We have close to 400 of the 33,000 in the system are in the VCU Medical Center's Infectious Disease Clinic so four times a year they are seen by an infectious disease specialist and they are on medication. They are on treatment, and the medication for those 400 inmates runs around \$5 million a year. We spend about \$15 million a year on the pharmaceuticals for the offender population a year, and about one-third of the \$15 million is spent on 400 offenders. We do a lot but we are not where you would like us to be. The Department is tobacco free. The policy is in place, it is being followed.

MR. LEININGER: There are issues attendant to it that the Department continues to discuss. By going tobacco free, we have created a whole new regimen of contraband.

MR. SCHILLING: On the whole, it has gone very well. In the years to come, we will see big dividends on the health care side.

We probably provide better medical care for inmates than is provided to the general public. There are fees associated with medical care. There is a \$5.00 co-pay for sick call for your initial involvement. If you have to come back because there is something wrong, you don't get charged \$5.00 again. If I have no ability to pay, I receive care regardless of my ability to pay.

MR. LEININGER: Followed up about what the Director mentioned this morning about the \$25 million the Department starts in the hole at the beginning of each year. Add to that about \$5 or \$6 million, which is medical.

❖ **Mental Health – Dr. Robin Hulbert, Mental Health Program Director**

DR. HULBERT: The Department has developed a system of services in the Department both on the institutional side of the house and into community corrections. So from the first point that the offender touches the Department, we are working with that person and with whoever is supervising him whether it be the officers, a counselor or a probation and parole officer. When they come in through reception centers, they are seen by psychology staff and assessed and assigned a mental health code. If the

- *DRAFT* -  
- *For review and discussion purposes only* -  
- *DRAFT* -

person has no current mental health needs, they would be coded as 0. If the person is seen and perhaps needs psychotropic medication, they have some serious mental health problems going on, they could be coded as high as a 4. That is one of the things that is taken into consideration when their first assignment is made. Someone who is an MH4 is seriously mentally ill. For the men, they would go to Marion Correctional Treatment Center. For the women they would go to the acute care unit at Fluvanna.

We have several levels of services in the Department. What we call outpatient is those services for inmates who can make it in general population, don't have a lot of special needs but might benefit from seeing a psychology person once in a while; might be on medication by a psychiatrist but is adjusting well in general population and does not need a specialized unit.

### **Residential Treatment**

DR. HULBERT: We also have residential treatment mental health units and those are located at several facilities. They are all licensed by the Department of Behavioral Health and Developmental Services. Offenders who are having difficulty adjusting in general population or who come in with moderate to serious mental health services needs could potentially be placed in one of those units. Ideally they would become stabilized and leave the unit but some folks will live there for a long time. It may actually be a residential setting for them, but we try to mainstream them as much as we can so they can go to school, they may have a job off the unit, that type of thing.

### **Acute Care**

For the most serious mentally ill offenders, we see those numbers going up, both Marion and Fluvanna have acute care mental health units. One thing the Code allows us to do is involuntarily admit offenders who are seriously mentally ill. They can't look out for themselves. We go to court and we get an order for admission. So someone who goes to Marion could be there for up to 180 days. If they need to be there beyond that, we have to go back to court and explain why we want to keep the person. Typically when someone goes to the acute care unit at Marion or Fluvanna, we also request an order for treatment because a lot of times since an offender is not competent to consent to what is in their best interest, we have the court tell us that it is okay to treat this person if they do not agree to it on their own. Most of the time the offenders will agree. It is not like we have to force them to take their medication literally. A lot of times when the offender gets to that acute care setting they just feel safer, staffing is higher, a lot of services are provided so we don't have hardly any circumstances where we have to forcibly treat that offender. Ideally that person is going to become stabilized and be able to go out either to a residential treatment unit or back to general population depending on how they are doing. We track them throughout their stay with us. We look at them every year by the mental health staff, at least their records are, to make sure they are still doing okay.

- DRAFT -  
- For review and discussion purposes only -  
- DRAFT -

## **SORT Program**

In addition to the acute care and the residential treatment and outpatient, we do have a sex offender services program where we identify offenders who are at highest risk for re-offense, and we have a variety of levels of care for those offenders as well including a residential program at Greenville. The program was at Brunswick which closed last year but we were able to move it and one of the mental health units to Greenville. So offenders who are at highest risk for sexual re-offense, about 18 to 36 months before we expect them to be released, they would go the SORT program, get very intensive treatment, would be hooked up with their Probation and Parole Officer when they are getting ready to be released to the community to make sure that that continuum of care continues.

- ✓ MRS. ALKSNE: Do you think those sex offender programs are successful? Dr. Hulbert responded depending on what you mean by successful. Mrs. Alksne asked when they are released, do they recommit? Dr. Hulbert stated not often on sex offenses, surprisingly. They may come back on different kinds of offenses but not specifically on sex offenses. Contrary to popular belief, sex offenders do not recidivate as much as regular offenders for other kinds of offenses.
- ✓ If you would like specific information, I can get that for you.

DR. HULBERT: We do have mental health staff at all the major facilities. If an offender is at a smaller facility where we don't have mental health staff, we do have procedures in place where that person can be transferred so he/she can be evaluated. I have a few mental health staff on the community corrections side of the house. One of the things we try to do from the institutional side of the house is provide a good discharge summary on offenders coming out so that the PO knows what he is getting in terms of the mental health needs. If an offender is on medication, we allow the person, if the psychiatrist is willing, we can't make the psychiatrist do that, the person can walk out with 30 days of meds, assuming they are stable, they haven't had any recent suicide attempts, and we also send a backup prescription to the supervising District for another 30 days because a lot of times it can take that long to get the appointment with the CSB or a provider in the community, so we are trying to keep breaks from happening in terms of the medication.

We also have a very extensive training program for all of our staff, including the officers. Every officer who is hired gets a basic piece on mental health issues in terms of what to look for, what do you do if you think something is going on with someone, who do you go to, what kind of information can you relate.

MRS. ALKSNE: How much interaction do you have with localities in terms of them setting up their mental health programs. We have a lot of people backed up in these



- DRAFT –  
- For review and discussion purposes only -  
- DRAFT -

localities. They don't see you if they are state responsible, so we have to rely on what is happening in the localities.

DR. HULBERT: That is correct, they are handled in the jails. And jails will contact us and ask can you take this person in, they are beyond our capability to handle, and Mr. Bass will bring them in, alert us, and we will get right on them in terms of mental health needs.

❖ **Budget Information – Mr. Louis Eacho, Budget Manager**

**Impact of Current State Budget/Trajectory**

MR. EACHO: I would like to elaborate on Mr. Johnson's opening comments. Reductions to the Department's budget is not just a recent phenomena that's occurred in the last one or two years. We have been undergoing this for close to the last decade. He made the reference of \$157 million and 2300 FTE. The \$157 million is an annualized figure of all the reductions we take. We are not quite a billion dollar agency, just under, so \$157 million every year kind of gives you an idea of what we have experienced over the last few years. It is pretty substantial.

Then the Director brought up every year we start in the hole. He made reference to \$25 million. The \$25 million figure is representative of some of the bread and butter things we have to do every year. The expenses that we incur for utilities, expenses for gasoline, leases for our P&P District Offices and our Information Technology expenses.. All of those sorts of expenses have grown over time as we have grown, and our base funding has never kept pace with that. So that \$25 million figure is a starting point of what we annually struggle with. In addition, we have expenses that the State works with us as the best they can financially keep up but they escalate; medical being a big one. Mr. Schilling when he talked about medical expenses, he noted that's about \$144 million a year, that's 13 cents on every dollar the Department spends, not just in prisons but as the whole agency. The growth in medical expenses puts enormous pressure on our bottom line. This General Assembly session did provide us with \$4.6 million in additional medical money for the fiscal year that begins in July. Our actual need is estimated is estimated to be \$10 million, which gives us a gap of \$6 million. Obviously, those are services that we have to provide, so that's a gap in our funding that will also need addressing as well. And then you heard from Mr. Clore in terms of the extensive involvement we have in managing the growth in gang activity. Mr. Johnson has determined that is a priority. We don't have money for it. We have to make money for it off our bottom line, so there is a variety of pressures that we have to manage. Our facilities do a tremendous job at having to sacrifice to make everything work at the end of the day and live within our available resources.

- DRAFT -  
- For review and discussion purposes only -  
- DRAFT -

In terms of what is coming down the pike, with the Appropriation Act that's gone through the legislative process and will be signed shortly by the Governor, there are some issues that we are going to have to deal with. They have made a decision to reduce our equipment appropriation by approximately \$1.25 million a year beginning next fiscal year. We also have a vacancy target that will be removed from our bottom line of \$1.5 million per year beginning next fiscal year. A vacancy target is the assumption we will be able generate vacancy savings by holding positions open. So we need to do that type of thing to keep our head above water anyway, but within the State budget, they have made that assumption.

Finally, there is a \$10.9 million savings target that will have to be achieved in FY12. The Director will have the discretion in terms of how he chooses to address that. The half sheets indicate that it could lead to the potential closure of one or more facilities. But the main point that I want to make is that to come up with that kind of money in FY12, which begins in July of 2011, it will require the Department to act sometime in the spring of 2011 to generate that kind of money. So we will be able to go through the forecasting process that will occur this fall. We will be able to go through the legislative process through next winter, but at some point if that \$10.9 million is not addressed, it will be a gap that we will have to move on and act upon starting next spring.

REV. PAIGE: Did the budget request include anything for HIV screening?

MR. EACHO: No. It included money to keep up with our projected increases in medical care.

The \$25 million hole in the current budget. The \$25 million is things we have dealt with year after year. It did not include \$5 million of medical. Medical expenses are escalating. The State makes every effort to try to address that, but there is a gap. So the number this year is a \$30 million. On top of that are a couple of new reductions that we will also have to deal with that are added onto that. One is the reduction to our equipment appropriation of \$1.25 million and then the other is the vacancy target of \$1.5 million. So \$33 million plus another \$10.9 million. If the prisoner population trend is downward and it is \$25,000 in operating costs per prisoner, does that generate some savings or by the time you deal with overcrowding issues is that money enough. That depends upon the structure of the facilities that the State chooses to operate. We keep the same infrastructure in place and we have less people that \$25,000 per person would be higher.

A lot of that \$25 million gap at the beginning of the year stems from a long-term practice that the State does not fund basic cost increases. Rents go up, electricity goes up, gas costs go up – agencies can eat it. We drive more miles than any other state agency beside VDOT and State Police. It is millions of miles a year. Local governments raise their water rates – you can eat that as well. IT costs go up. DOC has

- DRAFT -  
- For review and discussion purposes only -  
- DRAFT -

installed an IT network in the institutions but you hardly have any extra money, most generated internally by the Department, but it costs money to manage that and there is hardly any extra money to manage it. Those are the types of things that drive the hole at the beginning of the year. And that is true for all agencies. DOC is just a big agency. These are non-discretionary costs, but the money is not there for to pay for it specifically so we have to make it happen. When Pennsylvania sends offenders in, how much money does that generate and does that money go into your budget or does it go into the general fund. Both. Approximately we are getting on an annual basis about \$20 million from Pennsylvania for selling 1,000 beds. A little over \$10 million is staying within the Department to operate St. Brides Phase II, which is an 800-bed expansion on the St. Brides construction in Chesapeake, and the balance of \$9.9 million is being returned to the State Treasury. We also filled a hole from when we lost Wyoming. The State provided us with resources for the loss of Wyoming. If we can't afford to open Grayson, will we rent it out, too? That would have to be a decision the Director would make. Right now we have \$715,000 and 6 positions to mothball it. But if we were able to sell beds, conceivably, if the decision was reached, yes, we could operate Grayson.

MR. SOCAS: Mr. Hickman, you are dealing with lots of priorities across the Commonwealth for education and spending and transportation, what's the philosophical view within the Assembly of the Department's budget?

MR. HICKMAN: I work with the Senate Finance Committee and I began with the Committee in 1979. In those years, this year was the most difficult budget session I have ever been through making the most excruciating decision. There is no question that what we have been and are coming out of now is an extremely difficult budget environment that is forcing decisions that no one likes. The good news is that we have a balanced budget and it is finished. The Governor proposed his amendments, including a couple for the Department, last week so we are done. From our perspective the budget is done. It is balanced. It is not pretty. I compare our sister state to the west of Kentucky. The Governor of Kentucky just yesterday wrote to all Senators and Delegates saying that he is going to be calling them back into special session in May because they don't have a budget. They adjourned on April 15 without a budget. The house and senate budget negotiators walked away from the table with no budget so they are in a world of hurt in Kentucky. Other states are still in their budget process, going through what we've been going through over the past few months and it's not easy.

The larger framework of the budget that we have put together for the next two years is we have closed a \$4.2 billion budget gap without a general tax increase over two years. More than half of the state budget is non-general funds and less than half of the budget is general funds but the \$4.2 billion is general fund budget gap over two years and that basically consisted of not just the slower revenue growth compared to the expenditure growth but also the termination of the federal stimulus funds that were being used this year to prop up the Medicaid program and other programs, and those federal funds had

- DRAFT -  
- For review and discussion purposes only -  
- DRAFT -

to be replaced. Increased Medicaid costs that had to be dealt with, and that got you to about \$2.2, \$2.3 billion in budget gap, and the rest of that \$4.2 billion budget gap that you read about is the car tax. And that is the \$950 million per year in reimbursement of general funds to local governments to make up for lost car tax revenue under the personal property tax on vehicles. So the budget that came from the outgoing Administration to the General Assembly in late December eliminated the state payments for the reimbursement of the car tax. So let's talk about priority number one in the General Assembly. Priority number one was replace the car tax, put the car tax back. So that's \$950 million each year that we had to come up with in additional balances or cuts or something. That was priority number one.

After that, priority number two was no general tax increase. That came up the first week of the General Assembly. In the House of Delegates, there was a Bill that was proposed by the outgoing Administration to increase the income tax by 1 percent, a surcharge. That was defeated in the House 0-97. So that's the other big priority. No general tax increase this year. So that's what we had to work with so at that point we knew we had a \$4.2 billion budget gap, in addition to what the Introduced Budget dealt with, we've got to come up with \$950 million more a year plus a few other dollars to balance this budget, which we did.

The next priority was, to the extent possible, preserve funding for public education.

MR. HICKMAN: And that was a priority of the Senate, which I believe it is fair to say that the Senate was very pleased that we were successful in preserving most of that priority. And then there was a consensus between the House and the Senate that we were going to reduce the general fund payment to the Virginia Retirement System. Now, constitutionally, we cannot take money out of the VRS Trust Fund. It is protected by the Constitution. However, the General Assembly may elect to put less money in as a deposit into the Virginia Retirement System. And that's what they did to the tune of about a half a billion dollars over the two years. The Senate also included language in its budget, which was accepted by the Conference Committee, to include a statement in the budget that this is to be defined on the books as an obligation to be paid back over ten years. So there is a requirement in the Appropriation Act that this half a billion dollars that we have not put in the retirement fund this next two years is to be paid back to the retirement system over ten years. The bottom line is that generated about half a billion dollars in less general fund spending in the next two years that was used to balance the budget. And in addition to that, there were just a lot of budget cuts.

The Director talked about the cumulative impact over time of the budget cuts in the Department. He is absolutely right, and I am going to speak in terms of a little bit different measure just looking at one or two years, but we have never seen reductions of this sort. But it is not just in the Department of Corrections, it's in other areas of Public Safety. It's in all areas of the budget. If you had asked me a couple of years ago would we be cutting this, that and the other that we have cut, I would have said no way, no way would we ever do that. For example, this year we made some severe reductions in

- DRAFT -  
- For review and discussion purposes only -  
- DRAFT -

the Judiciary. I happen to believe that the Court system is fundamental to our system of government. The Judiciary is as old as civilization. Governments were originally formed thousands of years ago to resolve disputes and to try criminals. We have cut the Judiciary severely.

And to give an example, we included language in the budget this year that as of February 15, 2010, if there is a vacancy in a judgeship in Virginia, not including the Supreme Court and the Court of Appeals, but in the Circuit Court and the District Courts, if there is a vacant judgeship because a judge either retires or dies or otherwise leaves the bench, from February 15 this year on through the end of the coming biennium, not only is that position frozen and the dollars are taken, but the position, by law, goes away. We have taken the position away, and the reason is Constitutional. The Governor has the authority to fill a vacant Judgeship unless the position ceases to exist. So we made sure with legal language in the budget that the position ceases to exist until June 30, 2012. Now, the General Assembly can fix this, if it so chooses, this coming session in January and put the money back if we so choose, but in effect, we are shrinking the Judiciary. I would never have predicted that we would have gotten to that point. And the point of that story is simply to say there are reductions in this budget that are painful and very surprising that you wouldn't necessarily think about and that will have effect all across – I made the point to my subcommittee Chairman, who is Senator Janet Howell from Fairfax County, we are shrinking the criminal justice system. And in effect, the Commonwealth's Attorneys came to us to our General Government subcommittee in January and said given the cuts that we are taking in the Commonwealth's Attorneys Offices, we are laying prosecutors off, we can no longer afford business as usual, we need to consider that the prosecution of misdemeanors in our offices is going to have to become optional and that the default position is going to have to be, unless there is statutory mandate for a jail term, we probably are not going to be able to prosecute misdemeanors. So I kind of laughed a little bit about this. You go into Court Monday after the first of July and you're accused of a misdemeanor, doesn't matter because the police officer can't be there because the police don't have enough time to be in court, doesn't matter because the prosecutor is not there because he was laid off and the remaining prosecutors are over in Circuit Court, so there's no prosecutor there to prosecute you. It's okay. We've cut the public defender's office so you don't get a public defender. Doesn't matter because you're not going to jail anyway. And there is no Judge there. And there is a substitute Judge over in Circuit Court so the most serious felonies are going to be prosecuted, but we have set priorities and the less serious misdemeanors, nobody's there, and you probably won't even get a fine but if you did, it's okay, because there's not a clerk in the Clerk's Office to collect the fine. So, we have done some serious reductions in the criminal justice system. We have downsized the criminal justice system in Virginia, but we have balanced our budget and we are done at this point. We will go forward, and we will see the effect of all of this. Again, these are tough times.



- DRAFT -  
- For review and discussion purposes only -  
- DRAFT -

BOARD MEMBER: I understand you have the law behind you to do that as far as the Judges are concerned, but what feedback are you getting from the Judges?

MR. HICKMAN: It is going to be tough. There will probably be Circuits and Districts -- there is money left in the budget for the hiring of substitute judges at \$200 a day. But there are going to be some Circuits and Districts that are going to see some impact with this. That money is being burned through. And I raised another concern and that is the projection that was made in terms of the savings, and it even included the number of Judges that were projected to die over the next couple of years. The numbers that were projected to retire were based on prior years' experience, and I made the point very strongly that prior years' experience, that is before 2008, on who retires and who doesn't retire, that's changed. Because men and women who are in their late 50s and early 60s today who five years ago were retiring when they hit their early 60s or 65 are deciding, after looking at their IRA and their economic situation, many men and women are deciding to continue to work for a few more years because of changed circumstances since 2008. So I raised the point, the past is not necessarily a good guide to the future as far as who will retire, but be that as it may, you've got to balance the budget.

The major effect of fewer Judges is going to be a backup in civil actions because you have your speedy trial requirements, you have to do them, so I think the major effect is going to be civil actions will take longer to get through.

MR. HICKMAN: I make the point that our dilemma is we collectively want more government than we collectively are willing to pay in taxes to support it, and the General Assembly is kind of in the middle of that process and has to do what they do to make it all balance and make it all work. There will be some issues we will have to be dealing with over the next several years, but clearly, 2008 was a watershed year and what were the trends before then and what we see after then are clearly different.

Take a look at the first chart. Just to give you an idea of the size of the budget and what's changed, when I started looking at the budget, the general fund operating budget, not including the capital outlay budget, was about \$2.7 billion a year back in 1981, and a few years ago I began to track this to see how these numbers have changed over time, and obviously everybody talks about how the budget has grown. But back then, Virginia's per capita income was \$11,000 and our population was 5.4 million people, so as a percent of per capita income, our operating budget consumed about 4.5 percent. Not surprisingly, the income tax structure in Virginia has not changed, essentially, since 1971 or 1972 when the top rate of 5.25 percent was established. We essentially have a flat tax in Virginia for all income over \$17,000. And our sales tax changed once in the late 1980s and then again in the early part of this decade. So our sales tax has not changed a lot. So the 4.5 percent really didn't surprise me but it did amaze me that over the years for a quarter of a century that 4.5 percent remained fairly constant, but we are still in 2008 taking 4.7 percent of the Virginia per capita income,



- DRAFT -  
- For review and discussion purposes only -  
- DRAFT -

which is now \$44,000, and our population is now 7.8 percent. So Virginia's budget has grown substantially. And it has grown faster than inflation. But in terms of the relationship to per capita income in Virginia, it stayed fairly constant over time until 2008. And I make the point in the footnote that this excludes the car tax reimbursement, which is in effect a tax reduction, and the rainy day fund deposits, which are set aside to smooth out the curve over time.

So after 2008, all bets are off and obviously we are in a totally different revenue environment and we really don't know where we are going. I defer to Dick's boss, the Secretary of Finance, and the Department of Taxation and the experts on taxation in our office to have a better picture of where we expect to go over the next couple of years but if we could predict the future, we would all be in a different business. The point of the first chart is simply to say that over time Virginia's operating budget has grown but in relation to the overall population and per capita income, it's been fairly constant.

MR. HICKMAN: Looking at the second page, and earlier this morning the point was made that Corrections should be looked at in the larger context of the Office of Public Safety, and the general funds for the Office of Public Safety have declined from FY09 to FY12, three years, by 9.3 percent, from about \$1.8 billion to \$1.6 billion. We have taken out of the operating budget \$165 million over three years. That's a net change over three years. This figure has not been updated for the amendments from last week, and there were a few amendments so there's been a slight change in these numbers since last week.

If you take a look at the next chart, General Fund Appropriations by State Agencies, you will see the Department of Corrections general fund operating budget from this year to next year has declined a little over \$50 million, from \$974 million to \$929 million. It had been over a billion dollars at its peak. And the Director is absolutely right in terms of the cumulative reductions that have been taken out of this budget. But for next year, \$929 million and overall a \$96 million reduction from this year to next year in the Public Safety agencies, which is 5.5 percent.

The next chart tries to show the context of the Public Safety budget. This is the program budget for the Office of Public Safety, and these are the major programs, in fact, they are all the programs, in fact they are all of in the Office of Public Safety and if you look down at the bottom, you see the line that says everything else. Everything else out of the \$1.6 billion for next year, everything else is only \$4.2 million left after the programs are listed. Obviously, the largest program in Public Safety is the operation of our secure correctional facilities, and I have listed in bold the adult probation offices and re-entry services and the DOC administrative and support services, and then about half-way down the page in bold, DOC's operation of state residential community correctional facilities. Those are the four general fund programs that comprise the DOC budget, and I've arranged them largest to smallest with all of the other programs in Public Safety so that you can see the percentage reductions that

- DRAFT -
- For review and discussion purposes only -
- DRAFT -

have been made in all of the programs in Public Safety, from FY10 to FY11 starting with the secure facilities which are reduced by .1 percent. Everything has been reduced. It is not only in Public Safety. If you look at the Office of Natural Resources, Economic Development, Higher Education. You are very familiar with the decline in state support for higher education in the past decade. So that is just a quick effort to give you an idea that the budgets for Public Safety were not spared. Reductions that a few years ago we could not have imagined have been put into place, and here I want to pause and recognize that this has been, from our perspective, kind of a bottom up process. The vast majority of reductions in agencies have been generated by the agencies themselves through a series of cycles that we've been through the past couple of years. In developing budget-reduction plans and options, 5-10-15 percent cutback plans, that were then submitted to the Department of Planning and Budget and these guys spent weeks pouring over these things and working with the Agency budget staff to come up with realistic plans that could be done. I can't compare that process with other states but it has been a very rational process and it is consumed an incredible amount of time over the past couple of years. So I hope that's responsive to your question as far as the general context of what we've been through with the larger budget over the last couple of years and who knows where we will be next year or the year after.

### **Measurement of Actual Jail Capacity Jail Building Standards/Accountability**

MR. HICKMAN: The second part of what I wanted to walk through is starting with the Introduction slide, I wanted to walk you through information that is kind of segway into the questions about the language regarding the jail capacity, because I knew that was of interest to the Board. Every year for the past 20 years or so the Senate of Virginia has had an annual retreat and it has been the Thursday and Friday before Thanksgiving and we, staff to the Committee, present reports to the Senate on various topics typically on public education, higher education, and always on adult corrections or some other topic in Public Safety. We don't really don't do PowerPoint, this is really a Word document and we walk the Senators through these presentations. I have shortened this presentation a little bit and wanted to share with you some of our thinking about where we have been and where we are going in the field of corrections as it bears upon the question of what should be the measure of the jail capacity.

I started my presentation this past November with the idea that we are now out of the business of approving any more jail and prison construction projects. There is no more debt capacity, for the next two, three, four years, unless the revenue forecasts for the Commonwealth change, our forecasted debt capacity for the next few years is zero. I would start out by saying that we have a very good process for determining what is the debt capacity of the Commonwealth. It's administered by the Treasury Department under the Secretary of Finance and essentially we make the point, our policy is we don't want our debt service on general fund supported debt to exceed 5 percent of our

- *DRAFT* -  
- *For review and discussion purposes only* -  
- *DRAFT* -

general fund revenue. That's our limit. We are at 5 percent now. We may be a little over 5 percent, but the rating agencies on Wall Street are very impressed with the fact that Virginia has a self-imposed debt limit so that we don't issue more debt than we can afford.

MRS. ALKSNE: Now if somebody wants to build a local facility, they go to the legislature first and then they come to us. Wasn't there a proposal this year to switch that?

### **Approving Requests for Jail Construction or Renovation**

MR. HICKMAN: More than a proposal, and I give Dick a lot of credit for that because we had several subcommittee meetings this year that delved into this question of the process for approving jail projects and raised a number of issues and I believe Dick was the author of a complete change in the language, it is in the Appropriation Act, and this was adopted in the final budget so that from my perspective, the good news is that we have eliminated a process that we've worked with for about 10 years in which the first approval was by the legislature, something called an exemption to a moratorium and then went to the Board of Corrections. That has now been ended. Now, the Board of Corrections does the approval for the jail projects and once the projects have been approved by the Board of Corrections with the appropriate input from the Department of Criminal Justice Services, for example for the community correction plan, then that goes to the Governor, Department of Planning and Budget and Treasury, and then the Governor makes the decision to include debt service in the budget that is submitted to the General Assembly. It is a much more logical process.

MR. SOCAS: We waded into the jail construction issue one time in my tenure here. We were really a rubber stamp for these approvals for lots of different reasons, which is ancient history, but we got a lot of political feedback for questioning the decision, in fact at that time by the Governor's Office, questioning the decision to move forward with a jail construction. Independent of the debt capacity, it seemed like there was a feeling amongst the Senate and maybe the General Assembly as well, that whether or not we were facing these budget issues, the jail constructions had gotten out of hand. Can you comment?

MR. HICKMAN: That's a fair assessment. The thinking is that given that our debt capacity is so limited, there needs to be a process where jail construction can be considered along with all of the other capital needs of the Commonwealth that have to be addressed, and the Executive is in the best decision to do that initially in the process of developing the Executive Budget. Versus a local interest. And the other interests that we have to consider in capital outlay are we have tremendous needs in higher education. We have tremendous needs in the mental health department. We are rebuilding Eastern State Hospital. We will rebuild Western State Hospital, and we will

- *DRAFT* -  
- *For review and discussion purposes only* -  
- *DRAFT* -

be either rebuilding the Lynchburg Center for the Mentally Retarded or building community housing for the mentally retarded, but there are large capital needs in that area, and state government buildings among other areas. And jail construction as a use of state bonding capacity needs to be considered in light of all of those, but the initial review and approval of projects should be the Board of Corrections. So we need to take a much more active role in this going forward.

In the past it was almost as if once a locality or region got the General Assembly to exempt them from the moratorium, there was an expectation that that was a done deal and it was and whether or not the granting of the exemption was justified or whether it was political is another question. What would happen is they would come through, present their community-based plan, get it reviewed by the Department, Brooks would do her thing and get it right and then it would come to the Board and the Board would approve it. And interestingly, even though the Code says the Governor is supposed to approve these, Corrections would notify the Department of Treasury that this had been approved and the Department of Treasury would just sort of automatically include those in its budget submission, we would get it and it would never even go to the Governor. And we at DPB several years began saying wait a minute. Something's wrong with this picture. We are obligating hundreds of millions of dollars in state debt and debt payment without the Governor ever seeing it and so a couple of years ago, we started taking them as a matter of course to the Governor and saying this is what the Board of Corrections has approved, Treasury has it in its submission for debt service and we just want you to see it.

This year, this past year we decided to look at and propose to the Governor just revamping the process. It's not a radical revamping. One thing we did is say the whole moratorium has become useless because anybody in the General Assembly -- there is only one case I know of that they refused to grant a request to the moratorium is because the son and the delegate from that area were fighting. So they didn't get it. So we said okay, we will just get rid of the moratorium. There is no moratorium anymore. We will have a much more rational process, and the process will be the locality has to submit its request to the Department of Corrections by January 1. The Department reviews its request for renovation or whatever and the community-based corrections plan as well, and the Department of Corrections will have to submit to the Department of Planning and Budget by September 1 it is whatever the Board has approved along with cost estimates for that particular jail.

### **Community-Based Corrections Plans**

MR. HICKMAN: Another piece of this which was important and really has been neglected has been the community-based corrections plan because a lot of the justification for a particular size for a jail is based on what the community is going to do as far as diversions and those diversion plans typically never get funded. And Tony Casale and his boss, Dan, always complain and I said Dan, nobody ever submitted any

- DRAFT -  
- For review and discussion purposes only -  
- DRAFT -

budget requests. So now this process is in the Appropriation Act requiring DCJS to submit along with requests for construction funding a summary of the community-based plans and also the alternatives and what is behind the justification for the size of the jail along with an estimate of the cost so that way at least we have to look at it. I am not saying we will do it. We are aware of the costs and have to address it.

MRS. ALKSNE: One of the things that always comes up is well you really kind of have to approve this because the community has already put all of this money into the community corrections plan, we already spent all of this money to get here. It takes on a life of its own and then no judgment is ever exercised because its on a roll. It was worse than that until this change we were even told if any of us ever questioned the decision, don't question it because the Assembly has already approved the funding so just go with the flow.

MR. HICKMAN: Which was not true. Technically they had approved the exemption to the moratorium but everybody assumed and people in the localities went out and bought land even before it was approved because in the past exemption to the moratorium was tantamount to approval.

MRS. ALKSNE: Did you change how much we are paying the state portion to the locality?

MR. HICKMAN: No, for a regional jail it is still up to 50 percent for construction. And I agree with everything Dick (Hall-Sizemore) has said. We really have come to the end of about a 20-year period that we will look back on and say that was a real spurt there in jail construction, and the reason we originally went with the 50 percent reimbursement and encouraged the jail construction is that back in the late 1980s under Governor Baliles there was a Commission on Jail and Prison Overcrowding and at that time we knew that the jails were in bad shape, there was a lot of overcrowding, and we needed a lot of replacement construction and new construction to deal with the problems out there, and we've done that to a great extent over the past 20 years. We will look back a few years from now and probably say that period drew to a close in 2008 because of the changed economic circumstance and also because we built them for the most part. Now, because there will be more competition between a jail request for debt capacity and a higher-education request the point that Dick referenced is really important to look really closely at these community-based corrections plans. Because this kind of discussion will come up. The Sheriff or regional jail authority is proposing a 500-bed jail that costs \$100 million and the community-corrections plan offers the possibility of making that only a 350-bed jail. Well, it may be that the Sheriff would like to have the 500-bed jail and if the state's automatically going to be paying 50 percent, well who wants to get in the way of that.

MR. HICKMAN: At this point though the Executive Branch, Department of Planning and Budget and Governor are looking at well we've got requests from college



- DRAFT -  
- For review and discussion purposes only -  
- DRAFT -

presidents and other state agencies and the sheriffs and a lot of other things we need to do, that community-corrections plan looks pretty good. I think we will go with the 350-bed plan. Now, let's make sure we've got the community-based corrections plan built in and oh, by the way to the Department of Planning and Budget, let's make sure we've put in a little money to fund it and that might require some funding to start up the electronic monitoring program or for some staff that do community supervision. Pre-trial, for example. In the past, we haven't always made sure that when we approved a jail project that we also approved the funding for the community corrections plan. We don't have that luxury anymore. That ended in 2008 when the economy crashed. We can't afford that anymore. The taxpayer is maxed out on the credit card right now. We've got to look for alternatives, so it's very important those community corrections plans be built in and considered and when we get to the point that we have some debt capacity and some jail project will come forward and maybe we will have a shot at financing it in the future, but we will make sure at that point to take a close look at the community-corrections plan to make sure we are building the minimum number of secure cells and maximizing what we can realistically do with community corrections in order to lower our costs.

- ✓ REV. PAIGE: Regarding the change in the whole outlook for facility development, I am looking at the Board's duties and I think that this is where we incorporate the localities into the process. One of the things the Board needs to do is develop a process where we first of all inform localities of the change that the General Assembly has made, and then we need to develop a procedure for how to go about doing this if you are planning a facility in your area. This is the way the State Council on Higher Education would do it. It will say: to all university presidents, if you are planning new dormitories, we need to know what you are planning to do in 2010, 11, 12, 13 out for a period of time and when you plan to bring those facilities on line so that this Board, sitting Boards or future Boards and the staff will have a blueprint so we already know what these communities are seeking to do and as money becomes available, then you have a plan that you are working from, not just a pitch that somebody brings in and says this is what we've done over here and it has not been a part of the visioning process.

MR. HICKMAN: Point well taken. With the SCHEV list, when the college president initially brings that project to the attention of SCHEV, it kind of goes on the bottom priority level and then over two or three years it moves up to level 3, level 2 and then it gets up to level 1, where it might be funded. But the state council is looking at those projects over several years. And when you do it that way, the Board is not placed in a position where we feel as though we are compelled to do something just because a locality comes in and says our City Council or our Board of Supervisors wants to do this. We need to let them understand there is a process in place and this is the process you have to follow and this is the same for everyone involved.

**Where We Are Compared to Other States; Spending Per Capita**



- DRAFT -  
- For review and discussion purposes only -  
- DRAFT -

Where are we in the broadest sense with adult corrections compared to other states? It's not the Director and it's not the Department who decides who's coming to the Department. That's something you don't control. You are not the gatekeeper. Our felony sentencing guidelines that were adopted by the General Assembly back during the Special Session in 1994 determined who goes to prison and who goes to alternatives and since we put those felony sentencing guidelines into place in 1995, the proportion of violent offenders as defined for the purpose of the sentencing guidelines has increased substantially from about 70 to 80 percent. When you go back and look at the objectives of the General Assembly and Governor Allen in 1994 when parole was abolished and the sentencing guidelines were adopted, one of the objectives was to reserve expensive prison space for the more violent offenders, and that is what we have done. So that is a noticeable increase over 15 years.

Interestingly, over that same time, our rank in terms of incarceration rates nationally has fallen. On the eve of parole abolition, we ranked 10<sup>th</sup> highest in incarceration rate and by 2006, our rank had dropped to 17<sup>th</sup>. Our incarceration rate has not increased much since that time, it's actually slowed down since the imposition of the sentencing guidelines, and in part, that probably reflects the compromise that was reached between the General Assembly and Governor Allen at that time that we were going to abolish parole and put in sentencing guidelines and have longer sentences for repeat and violent offenders, but at the same time put in place a Community Corrections Act and try to emphasize alternatives for non-violent offenders. And there were some specific objectives written into the Statute to achieve in terms of diverting non-violent, lower-risk offenders to other forms of punishment. And so you can actually see some of the results of that when you look at the drop in our ranking on incarceration. We have not reduced the funding for the local-responsible community corrections. They have been exempted. For the state-responsible community corrections, your District P&P Offices have sustained heavy cuts in the past couple of years since 2008.

In 2005, we ranked just above average on state corrections spending per capita at 19<sup>th</sup> and per inmate at 24<sup>th</sup>, so we are not out of the mainstream in terms of correctional spending. I make the point, the extent to which we have expanded our capacity, since 1990, 22,000 new beds, \$1.1 billion and we've added over 22,000 jail beds since 1993 at a total state and local cost of \$1.5 billion, and we've expanded our community corrections. And then I make one of the most important points in the presentation that we've been looking at over the past few years, we rank 6<sup>th</sup> lowest in recidivism in the nation, among the 40 states that measure recidivism with the same measure, which is to say back in prison in three years. There are ten states that don't have that kind of a measure. But 6<sup>th</sup> lowest among the 40 states. The highest is well over 50 percent in states like California. Virginia's recidivism rate is about 28 percent, and that has been fairly constant over the past several years. It's pretty remarkable. I can't necessarily say why do we rank low on this measure, but I'll give you guys credit for it. Virginia's doing something right and the Department, if the Director were making a presentation to you as the chief executive officer in the private sector at an annual meeting, he would

- *DRAFT* -  
- *For review and discussion purposes only* -  
- *DRAFT* -

say that we rank lower in recidivism, so our outcomes are good, and as a portion of the general fund budget of the state, corrections has not increased over the past 20 years, so the taxpayers are getting good value for their dollar. That's from my perspective, an overview of where we stand and my conclusion is we have done pretty good in Virginia. We have made progress, implemented the sentencing guidelines and the results have been good. We don't stop to think about these measures many times when we think about corrections.

### **Crime in Virginia**

MR. HICKMAN: Virginia is a low-crime state. The experience in Virginia is we now have the lowest violent crime rate that we have seen in 40 years. The last time Virginia had violent crime rates as low as we are experiencing currently was 1967, and I like to say at that time when President Johnson was president he that year appointed a crime commission to study why crime was rising so fast because in the 1960s at that time we all thought we were in a crime wave, but looking back in retrospect, the crime rates are the lowest they've been in 40 years. We rank 41<sup>st</sup> out of the 50 states in violent offenses and 39<sup>th</sup> for property offenses among the 50 states. That's pretty astounding.

I don't have the definitive answer as to why we rank low in that category, it's a good thing for sure, but I tend to think that if you go back and look at the point in the early 60s or mid 60s when we crossed the line of the U.S. rate and became lower than the U.S. rate, I am going to speculate it's something to do with in the early and mid 60s the very rapid growth of the federal government and the military, very rapid population growth in Northern Virginia and Hampton Roads with the growth of the military, and that Virginia, compared to the average, has a higher than average proportion of federal employees and their families in Northern Virginia who are higher income who don't commit crimes, and higher than average military families in Hampton Roads who don't commit crimes. So, to the extent that Virginia is less of a blue-collar state than our surrounding states, and to the extent that we have more of higher income families in Northern Virginia and military families in Hampton Roads, my explanation is we have more than our share of the kind of families that don't commit a lot of crimes. And I don't know that that's a perfect explanation because Maryland has a much higher violent crime rate than Virginia does and Virginia's demographics are very similar to Maryland's, but it is fascinating to me that Virginia is a relatively low-crime state. The only states in the Union that have lower violent crime rates than we do are West Virginia, the New England states, and the far western states, places like South and North Dakota and Montana that have rural populations. It's a testament to Virginia is a very unique state.

### **Capacity/Projected Capacity**

MR. HICKMAN: We track every year the state-responsible offender population and it has been increasing rapidly over the years but the actual population decline from 08 to

- DRAFT -  
- For review and discussion purposes only -  
- DRAFT -

09 for the first time since 1984. That's not news to you because you track the same information.

Every year Kim Lipp and I develop a chart that compares our state correctional facility population with our capacity, and with the new information every fall from the updated forecast, I forecast where we will be with the state responsible offenders that we expect to be housed in state facilities versus the actual bed capacity of our state correctional facilities and the gap that you see is the out of compliance backlog and that gap is really backed up in the jails. So the out-of-compliance backlog back in November, I was projecting to exceed 3800 by June, and it's actually 4200-something today. But the actual bed capacity is set by the Department and certainly includes double bunking. My understanding from the Department is that the actual bed capacity of the Department probably includes 60-65 percent double bunking, and the way we describe it, we consider that we pretty much are putting as many people in the prisons as we can consistent with the water and sewer capacity. And if we could put more in, we probably would but we always turn to the Director and ask if there is any vacancy and he always says no and reminds us that we are already counting 800 or 900 temporary emergency beds that have been set up that we would like to bring off line but we know right now we can't. So the capacity figures that you see do include that temporary capacity.

But the backlog in the jails, if you turn to the next page, this is how we share with our subcommittee and the Senate our view of what is the jail population and capacity, and we start with, in the chart, the first line is the projected population in the jails and you see the footnote on that. The jail population that we are using, and we're showing that going to 27,700 by 2015, it's pretty much leveled off, that jail population that we're counting is the sum of the local-responsible offender population plus the state-responsible offender population who are housed in the jails, including the out of compliance backlog and the other state-responsible offenders who haven't hit the 60-day mark yet and who are legally going to be housed in the jails, and we know they're going to be housed in the jails, so we can project how many state responsible plus local responsible to be in the jails, and that number has pretty much leveled off. It may not stay level. We don't know what will happen over the next few years. In effect our budget is built upon and we are banking on assuming that these favorable trends are going to continue, and we don't know that. We will find out over the next few years.

The next line below that you will see the projected rated capacity as adjusted is 20,101 as of June, and I make the point that the rated capacity is set by the Board of Corrections and does not recognize double bunking. And that's our understanding of the rated capacity figure as adopted by the Board, and I've adjusted that measure to exclude federally funded jail capacity, which is 580 beds, and I've assumed new beds coming on line given the projects that have been approved by the Board of Corrections. So, we can project that assuming that all the projects that have been approved by the Board of Corrections come on line as projected, there will be a capacity of about 21,000

- DRAFT -  
- For review and discussion purposes only -  
- DRAFT -

compared to the projected population of 27,700, so by 2015, the percentage that you see is 29.4 percent over capacity. You can define that any way you want to. I have chosen to define that as the statewide double bunking rate only to oversimplify the point that the rated capacity does not include double bunking, so if you are 29 percent over capacity, then you are 29 percent double bunking, and again, that's an oversimplified version but the key point is that that measure has declined in this chart over the next five years compared to 2010. And I make the point that given the slowing down in the rate of growth of the local-responsible offender population over the next several years, given our forecast, and given the increasing number of beds coming on line that we have already approved, that the level of crowding in the jails, not only is it lower now than it was two years ago but it will actually be little lower in four or five years. Again, those trends may change but that is the most accurate way that I have found to be able to measure what's actually going on in the system as it is. In order to explain to the members of my subcommittee and to the Senate how are we doing in terms of crowding.

MR. HALL-SIZEMORE: This illustrates the importance of knowing the actual capacity of jails.

MR. HICKMAN: Because I did a similar type analysis last year in making recommendations to the Governor as to whether or not we can close any DOC facilities and thus save state money, and still not overburden the jails because the offenders have to go somewhere, so if DOC doesn't have the beds, they stay in the jails. And so we began worrying about that part until we did some analysis last year and said okay Governor, yes, you can close Brunswick, you can close Botetourt and it looks like with present capacity plus capacity that's already been approved and that's being constructed in the next few years and is coming on line, there will be sufficient capacity in the jails to handle these offenders without severe overcrowding.

MRS. ALKSNE: And that's the million-dollar word is capacity.

MR. HICKMAN: Dick takes the rated capacity based on conversations with staff and just multiply that by 150 percent, and that's the actual capacity. Because you have a rating that's single cells, and we know that they come back and ask for exemptions so they can double bunk a certain percentage of those cells.

MRS. ALKSNE: We are in the process of reviewing the guidelines, and one of the things we are doing is making it multiple as opposed to calling it double bunking but multiple-person, multiple-occupancy cells so that we no longer have this fiction about no we don't have anybody there, yes you could put a bed there but we won't look for a person there. It would be wonderful if the rated capacity was the real capacity. We need that word to mean something, capacity.

- DRAFT -  
- For review and discussion purposes only -  
- DRAFT -

MR. HICKMAN: I made the point to some of my subcommittee members and that is the architect designs the jail and it's got 100 cells in it, and let's exclude isolation and segregation cells because obviously they are designed to have one person. And for my purposes, I would certainly exclude really old jail facilities because in a different era, different construction methods, and I wouldn't necessarily make the same conversation about a jail that was built in 1950 or 1960. And we have built a lot of new jails in the last 20 years.

Most of our capacity is relatively new, and I believe that most of it was probably designed for double bunking in terms of the sizing of the kitchen, the sizing of the utilities, whatever, but if we are building a jail with 100 cells, basically each one of those cells has, say, 70 square feet or 90 square feet, and the members of my subcommittee and the taxpayers are saying let's put two guys in there because the Supreme Court in decisions like Bell v. Wolfish and other Supreme Court decisions a generation ago said you do not have a constitutional right to a single cell. One must consider the totality of conditions but you don't have a right to a single cell, so the taxpayer would be saying we are putting up \$100 million for this facility, let's put two guys in a cell with the obvious exception if you've got a segregation cell, keep that for segregation. So, your capacity is 200. Well, my understanding is the rated capacity is 100, and if you had two guys in every cell, the capacity would be 200. The members of my subcommittee, being responsive to the taxpayers and to the voters out there, are saying we haven't got any more debt capacity. We can't afford to build any more. Put 200 in there. We are saying let's develop a reasonable measure that is based upon the design capacity. What did the architects develop when they developed the program for the entire facility and they sized the utilities and they sized the program rooms and the day rooms and the medical services and the other support services, and let's say the design capacity was 200. Well, then the design capacity is 200. It may be that the design capacity worked out by the architect was 150, with the assumption that 50 percent of the cells would be double bunked. Dick and I are both assuming for our planning purposes that it is 150. Over the years in terms of approving any more projects, if it wasn't at least 150 percent over rated capacity, it didn't get considered. Somewhere in there is a design capacity that goes back to the original owner, the locality, and the Sheriff or the Regional Jail Authority and the architect, somewhere back there is a design capacity that reflects double bunking, and I think that's what we are looking for.

MR. HALL-SIZEMORE: One of the things that we have learned through this jail standards review committee that we are working on reviewing the standards, I think that number is actually zero double bunking. What's happened, however, is over the last 20 years there are two people in the cells, so the reality is there are two people in the cell.

MRS. ALKSNE: If you just look for the architect, you might find it's still one. Now what are you going to do.



- DRAFT -  
- For review and discussion purposes only -  
- DRAFT -

MR. HICKMAN: Then I think we need to have this conversation because I believe what the legislature is saying is we're not absolutely saying that it has to be 200, but 100, no. 20 years ago if the architect was living in a different world and thought that there was only going to one guy per cell, somebody needs to tell the architect real quick that it's a different world. That's the beauty of dealing with changing the standard so that it requires the extra ventilation and the extra kitchen and the extra support.

MRS. ALKSNE: If you're honest about what's really going to go there, then you've built the support structure. What happened was, we weren't honest about what was really going to go there. And so now we have to figure out what to do and how to fix it.

✓ MR. SOCAS: This is a pretty important number and this should be exactly what the Board is figuring out.

MR. HICKMAN: This is exactly the kind of policy issue – this is why we do have a Board of Corrections to wrestle with this, because we are not saying it's 200 but it's sure not 100. It doesn't necessarily have to be 200 may not be feasible. But is it 150?

MR. SOCAS: How are you suggesting we do that? Let's table this and it should be dedicated to the next Board meeting. We need to spend more time. This is the meat of what we are going to do in the next year, maybe two.

MRS. ALKSNE: We waited so long to talk to him, I think we need to spend a few more minutes finding out what he thinks.

MR. SOCAS: I'd like to spend more than a few more minutes. Let's do a conference call or have them on the next agenda.

MR. HICKMAN: This is a really substantive policy issue for which there is no easy answer and it is why we would want the Board of Corrections to wade into this.

MR. CASALE: Over the last five years, ACA standards have changed for jail construction. But up to about five years ago, everyone was building about a 70 square foot cell. Actually, it was 70 square foot of usable floor space. Virginia was just total square footage. So we were always under building when you compare us to the national standard. Five years ago there was a move to say that 80 square feet of unencumbered space in a cell, you could put two people. So we have multiple occupancy. I think the Board is moving towards that. That will solve future construction. The question is what do you do with the current facilities that have been built primarily since 1993 with the new community-based corrections requirements that are at 70 square feet, total square feet, not unencumbered space, where in most of them that are maximum security that are single cells, it's single-cell construction.



- DRAFT -
- For review and discussion purposes only -
- DRAFT -

Segregation/isolation is single person but in some places they have had a waiver from the Standards to put in the capacity or actually put in a double bunk.

### **How To Determine Capacity; Who Benefits?**

MRS. ALKSNE: Dick, if you could talk to us about the Appropriations language that said we are supposed to figure out what is the capacity of these local facilities and the deadline in October and what is your vision about how that's going to happen. And, in talking with the Sheriffs, they don't seem to have an interest in really helping, cooperating, so is there a carrot that we can, as we work the politics of this, because otherwise we are going to be the most unpopular people in the state, to figure out how to work together with the Sheriffs so that we are all working together.

MR. HICKMAN: Here are some random thoughts. I have always thought that it's in the Sheriffs best interest to stay with the rated capacity because then they can make the point publicly that they're way over capacity, which helps them in their budget battles at the local level, because they have budget battles not only with the state, but with the locality. They have to justify their funding at the local level. So a Sheriff has a stronger position to argue if he says I'm 150 percent over capacity. It is not in the Sheriff's interest to say I'm 25 percent over capacity, because everybody else will say big deal. So I can see a situation where the Sheriffs are not particularly interested in seeing this change.

The Sheriffs are also very good when they go before the local media or their local governments and say I need your help because the state doesn't pay me very much, the state only pays me \$14 for its prisoners and local media believes that. And if you turn real quickly to Page 11, I make this presentation to the Senate to make the point that we need to remember that the operating revenue for all the jails in Virginia was \$724 million and almost half of it came from the state. And that includes we pay most of the salaries for the staff in the jails in addition to per diems, but again, the Sheriffs, in their budget battles that they have to fight at the local level, emphasize the fact that the state only pays the \$14 a day, and that's actually been reduced to \$12 a day, and in fact, as a percentage, the state is cutting back. So I would say it's important to remember that in this budget battle that we've been through, the Sheriffs have been in a very, very protected and favored position. We have done everything we could in the General Assembly to preserve funding through the Compensation Board for the Sheriffs and the other Constitutional Officers, and I will say this all the time. In the past two years, we've closed almost 10 percent of the bed capacity of the Department of Corrections, and we've eliminated eight adult facilities and made a lot of other reductions, as the Director described, but we haven't closed any jail capacity, haven't closed any jails; other than voluntarily at the local level, jails have been closed and replaced with new regional jails. We have been very favorable towards Sheriffs and regional jails and there have been reductions in this budget, but they are not on the same level applied to the Department, so I would only say the Sheriffs are always going to be not satisfied,

- DRAFT -  
- For review and discussion purposes only -  
- DRAFT -

and I'm not quite sure that I know how to help the Sheriffs buy into this idea of capacity, except by saying that in the future the days of unlimited access to the state's debt capacity for jail projects and not having to compete with your college presidents are over. So in the future, if we don't do this, there isn't going to be a lot of support for funding new jail projects if we don't take these steps. And it is being driven by the limit, right now non-existent, debt capacity to fund capital outlay projects. We haven't got it. The taxpayer is maxed out on the credit card right now, and the Sheriffs need to understand that, too.

MR. HICKMAN: In the past, the Sheriffs have been able to get their projects approved on a separate track, almost like an entitlement program, for new jail construction for 20 years. Well now, first of all, these decisions aren't going to be made by the Public Safety Subcommittee of the Senate Finance Committee, they're going to be made by the Capital Outlay Committee, and I would say to the Sheriffs that when you're asking for – either asking the Governor or if it's in the budget and you're asking the Senate to approve debt capacity for your jail project, in the subcommittee meeting when it's going to come up, they're going to be a lot of college presidents in the room speaking before you and they have a much more powerful alumni network than you do. It's a different world.

MR. BLANK: Can I move to the process real quick? Getting back to your 1.5, if we are charged with determining what the actual true number is of your capacity, a, what are you using as your "x" for your x times 1.5, what is your baseline?

MR. HALL-SIZEMORE: Rated capacity.

MR. BLANK: And, have you or any of your committees ever gone out to study what the actual capacity is. Have they ever done it in the past? Is there anything we can look to?

MR. HICKMAN: JLARC, and it has been about 20 years (1987), and JLARC actually went out and walked through all the jails in the Commonwealth, and then the Department of Corrections went out in 1988 and did all of the jails.

MRS. ALKSNE: Is that what the Board should do?

MR. HICKMAN: Some of that would be very helpful. Now, in terms of the language, on the October 1 deadline, we are not demanding that if the manpower is not there to walk through every jail with a tape measure in the next three months, we are not necessarily expecting that this will be a done, totally completed product by October 1. I drafted the language to try to make sure there was some wiggle room there knowing this is a pretty big project. We want to move in this direction. We want the project to be underway but we are not necessarily expecting that there will be a precise number

- DRAFT -  
- For review and discussion purposes only -  
- DRAFT -

for every jail that has been audited and checked by Department of Corrections staff over the summer. That's probably asking too much.

MRS. ALKSNE: Has any money been given to do this and would it be considered because the people of the Department of Corrections are already working, and if we are going to do pencil to paper.

MR. HALL-SIZEMORE: It is 89 facilities.

MR. PROFFITT: Simply requiring an actual count of the number of beds I think would go a long way with jails if they were shown the up side of what this would mean because there is some trepidation on the part of some jail folks with whom I've spoken, how is this going to be used against us staff-wise, and so as such, I'll give you a perfect example, I built a dormitory for 50. I put 100 metal bunks in there. Those along the wall were not bolted down. If I was still a dumb old county jailor, those that were not bolted down, if I had a reasonable belief that perhaps this information was going to be turned against me, I would take those bunks out and put them in a warehouse when the official count is done. Now is that nefarious? Absolutely. But then after the person left, I'm going to go down to the warehouse and put those 40 or whatever bunks back up against the wall, and I can honestly say when you were here, the honest count of bunks in my jails was x but after you left, it went up 40 percent.

REV. PAIGE: You need to tell us how to approach them.

MR. PROFFITT: Guarantees are different but I think if there was a reasonable belief, a reasonable expectation, I think particularly from the staff's standpoint, because we all know new construction was 1:3 and when they broke ground it was 1:5, well, okay, consider this single-person lockup we have one bunk but we have two, are the folks in Richmond now going to say well only one pair of eyeballs can see two inmates in that cell just as well as they can see one, and is that going to effect a staffing standpoint, and let's face it, the operation of a jail, your budgets are 60-some percent, give or take, as far as the overall operation of that jail facility, and Tony and I were talking in our committee meeting that obviously jail construction is finite and you pay the bill but then over the life of that facility, that construction cost is going to pale by comparison from the operational standpoint as far as the budget goes, it's a grain of sand on the beach, so I think if the jail folks had a reasonable belief, a reasonable expectation, because what I've heard is are they going to take away my staff, take away some staff. I think if they can be shown definitively the up side, and I know folks can say we don't have to justify a doggone thing to them. Well, you do and you don't. I think if the jail folks could be advised why this is a good thing and why it would behoove you to cooperate.

- *DRAFT* -  
- *For review and discussion purposes only* -  
- *DRAFT* -

MR. HICKMAN: The up side is this is going to put them in a better position in a couple of years to be able to compete with other uses of the state debt capacity when we get back into the business of approving more jail projects.

MR. PROFFITT: I agree if that is told up front, I think the cooperation level would be a whole lot better.

MRS. ALKSNE: Are you thinking we're also going to count the temporary beds?

MR. PROFFITT: I think that would be ill advised.

MR. HICKMAN: In dealing with that temporary emergency capacity, I always try to remind my subcommittee of the need to eventually back away from that temporary capacity.

MR. HALL-SIZEMORE: No, she's talking about something else.

MR. WILSON: Currently right now the Budget language, every time the Board approves a jail, I have to write a report to the legislature giving the rated capacity of the jail that has been approved by and includes a double bunking capacity of that approved jail. Currently what I have been doing is because maximum security, by ACA Standards and by most jail standards, should not be double bunked, I have double bunked the minimum and the medium security. The temporary holding cells and punitive seg have not been counted in the past, although punitive seg, by ACA Standards, they allow double bunking in punitive segregation. So that's one thing that the Board might want to consider counting, punitive seg or special housing needs as rated capacity. Currently 10 percent of those beds that are built, there's a 10 percent add on for special needs. Those are not counted.

MRS. ALKSNE: Do you want to count the beds that the Sheriffs raised the money separately and did not get state funding; for instance, they got federal funding and built wings.

MR. HICKMAN: That's a whole different issue. In our measure, we are eliminating the federally funded capacity.

MRS. ALKSNE: That's interesting.

MR. HICKMAN: If the feds paid for a wing, that's a different category.

MRS. ALKSNE: Tony prepared for the Board – if you could tell us what these are real quick.

- DRAFT -  
- For review and discussion purposes only -  
- DRAFT -

MR. CASALE: Two historic documents, one is the break out of the definitions of the new operating capacity that the Board and the Department adopted in 1988. It was done as the result of budget language not unlike what you're facing now, through a special subcommittee, and the project then went out locally. The Department sent everyone to the local jails, and at that time there was 103 local jails out there, far fewer regional jails than we have now, and all of the facilities were supposed to be rated in accordance with that particular plan establishing an operational capacity. That's 20 years ago.

The other document shows the effect of the JLARC dual-standard capacity on the jail population, so you see the Tuesday Reports with just the old DOC-rated capacity, and you see the JLARC capacity in 1987 up through December of 88, and then you see the new Department of Corrections operational capacity from that point on. The problem with that is as we've all said here is that that's 20 years ago. Things have changed. Within the last five years, there has been a national trend to multiple occupancy in 80 square feet of unencumbered space providing a certain amount of time out of the cell block. So it's time and it's probably long overdue to go back and look at what the maybe permanent bed capacity of the jails.

The other thing is that you can, as a Board, can approve a facility at an operating capacity which has a layout in the community-based corrections plan that Bill approves, the Board approves, and five years later there's a new Sheriff in town, there's a new regional jail administrator, and they're using the bed space differently than it was designed, and that can change the capacity for the locality's purposes. So you have to be aware of that. Capacity is not a static thing, and I think that's what the General Assembly is saying. We've looked at it and we've kept it static for the jails, and yet the Department has been required to have a flexible capacity depending on the availability of funds and other factors. So I think we might want to make a decision about using the term permanent beds, looking at the age of the facilities, right now we don't have a lot of facilities that were built before 1960 but we do have some that were built before 1960.

MR. HICKMAN: Tony made a good point about the Department of Corrections over the years has had to be very flexible about capacity, and it reminds me that when the medium-security dormitories were originally designed back in the late 1980s, there were dormitories designed for 500, and we initially counted 25 percent of the beds as part of the capacity, so we originally counted the capacity, and Gene can probably remember this, too, 625, 630 was the capacity of those 500-bed dormitories and then where are we today.

MR. LEININGER: 1200.

MRS. ALKSNE: The word capacity means nothing.

- DRAFT -

- For review and discussion purposes only -

- DRAFT -

- ✓ MR. SOCAS: Can I ask just a question, not on the count but on finance, and then we need to move on to the next session. Can we freeze -- if we've approved some of these spending construction projects, there's money going out the door, it's eating up debt capacity, it's probably not clear to a number of us whether those were good approvals or not good approvals in hindsight, can we freeze those projects? If we were a homeowner, real people, or if we were a business and we were building a new headquarters, we'd certainly say hey, we have put some money in but that money versus what we're going to put in is the ratio is in favor of freezing construction or of freezing spending.

MR. HALL-SIZEMORE: I'd like to address that. The government can. The State can. And that puts a shudder through Kim Lipp back there, but we at DPB have looked at that we've identified some projects that perhaps could be frozen because the Governor is saying okay I might want to use that debt capacity for something else. And if you talk about debt capacity, I don't know if everyone understands what I mean by debt capacity. The state has a self-imposed limit on how much -- the state says I'm not going to spend more than 5 percent of our general fund revenue on debt service per year. So that's self imposed, and that's one of the things that factors into AAA bond rating. In the past it's not been a big deal. But now because revenues have decreased -- another technical thing was that the General Assembly redefined general fund revenue, took out the lottery profits. So now we may be over the 5 percent. And that's going to hurt DOC. And I'm not talking about major new prisons, but you've got a lot of old prisons that are beginning to need a lot of renovation and this past year for the biennial budget, for the first time, we didn't approve any capital projects and that was a major development. So there will be a pent-up demand. The Governor proposed, came into the budget process late and Governor Kaine proposed and the General Assembly approved issuance of a billion dollars worth of debt for higher education. That's it. And that's subject to debt capacity being available, so you've already got a billion dollars in higher ed at the front of the line.

MR. SOCAS: So it is something we could review. Thank you.

### **Local Jails Today**

MRS. LIPP: Let me make one more comment while I am passing this out. Dick Hickman, could you give a brief comment about how the jails developed -- kind of the jail replacement program over the past 20 years or so, where we started out with a little public safety issue, and I think this will address Mr. Socas' question about whether any of those decisions were good or bad in the past. I think the answer is the jails were all needed. We're at a point now that we've about addressed the problem. Things on this chart will show localities shaded that have what I call more modern regional or local jails that the state has participated in the funding of.



- DRAFT -  
- For review and discussion purposes only -  
- DRAFT -

MR. HICKMAN: Kim's point is 25 years ago, there was significant jail overcrowding, the facilities were much older, and over the past 20 years or so since the Commission on Jail and Prison Overcrowding, Virginia, to a very great extent, has replaced a lot of older, smaller jails with modern local jails and regional jails. We have a very modern physical plant today for jails across Virginia compared to most states and that came about because for a number of years in the 1980s, the General Assembly every year or two increased the financial incentive for reimbursement of localities for building regional jails and local jails to the point that in the late 80s or early 90s we set the reimbursement for capital projects for regional jails at up to 50 percent, finally just made it up to 50 percent of the capital project, so there would be a strong fiscal incentive for localities to come together and build regional jails. And our view is it has been very successful. We can look back and say look back at where we were 30 years ago, 25 years ago and where we are today.

We have, for the most part, modern, efficient secure facilities. We are in much better condition than most states in that regard. We have a few small, rural jails that are inefficient to operate that we probably ought to close and replace with regional jails, but only a few at this point.

MR. HALL-SIZEMORE: Less than can be counted on one hand.

MRS. ALKSNE: Mr. Chairman, I hate to cut this off but I...

REV. PAIGE: She's finished now...

MRS. ALKSNE: No, I'm not. I've not even begun, Reverend. No, don't count on it.

REV. PAIGE: I'm just kidding.

MRS. ALKSNE: I know.

### **Best Managed**

MR. HALL-SIZEMORE: I'd like to make one closing comment/observation and that's getting away from jails and just going back to finance and budget as a whole. I'd just like to, and you all probably know this. But the Department of Corrections is probably one of the best-managed agencies in the state as far as using its money and using its resources. The Department, over the years, has endured a lot of cuts, and I can see it from Corrections, lots of agencies you wouldn't believe how much squalling and whining they do. And the Department has always sucked it up and done what it has needed to do. And I've told Louis several times, in many cases this has been to your detriment because you do this and you don't yell and scream and say oh, whoa is me, and go whining to the Governor or go whining to the Secretary, and so people say oh, well they can do it, no problem. They did it and we don't see any riots in the prisons, we don't see anything bad happening, so, gee, they must have had too much money and

- *DRAFT* -  
- *For review and discussion purposes only* -  
- *DRAFT* -

we can hit them again. So I've told him you all have maybe been too of good soldiers. And so finally this past year, he said, Dick, we can't cut any more. If you cut me any more, we've got to start closing, and because the Department – the Department had credibility. The Department had credibility in that area and so that's why the cuts weren't quite as bad this past time as they would have been otherwise because people believed us. We said if you cut them again, they're going to have to close a facility. So, I just want to leave you with that thought in case you didn't realize it. You probably realize that anyway. I just wanted to let you know.

MR. SOCAS: Mike tells us that all the time.

MR. HALL-SIZEMORE: Well, he has a self interest in telling you that. I can tell you that from our perspective. Mr. Hickman probably can, too.

MR. PROFFITT: Are we at Food for Thought?

MRS. ALKSNE: We're at working lunch at 11:30.

MR. PROFFITT: Bill Wilson is listed down a little farther.

MRS. ALKSNE: Bill, bless his heart, is still here. Can we take our lunch people and get back to you?

MR. LEININGER: I was going to say, Bill is here for the duration. So if you are going to take your guests, that would be okay.

MRS. ALKSNE: Mr. Moe and Ms. Brown, care to join us? Welcome. Sorry we're late...

❖ **Food For Thought: Federal Perspective on Prison Systems**

MR. MOE: I guess can go first...

MRS. ALKSNE: I thought we could have a discussion. Come on up. Come join us. We thought we were going to be grabbing our lunch and sitting down and chatting but I guess we're not going to do that because we're late. What don't you, if you could start and tell us about your organization a little bit first.

MS. BROWN: This worked out pretty well, actually. We came because we wanted to hear a lot. We did hear a lot, and I don't ever like to speak during lunch and that worked out because it's not lunch, so we're good.

MRS. ALKSNE: Thank you for being flexible.

- DRAFT -  
- For review and discussion purposes only -  
- DRAFT -

DR. BROWN: I'm Doctor Angela Brown. I'm with the Vera Institute of Justice. I started working with homicide nationally and max-level security in, I don't know, when I was a kid, sort of, in 1988. I started with homicide in 79. I lived on grounds one week a month for spans of about 18 to 20 months. Then I'd get pneumonia or something and, you know, go back home and get well at Bedford Hills, which is max for women for the State of New York, also receiving for anybody coming to do prison time, not city or jail time. Also has, as you probably know, the mental health unit and the inpatient satellite unit for mental health there and the first nursery in the United States in a prison. Bedford's an old prison. And right now I work with a couple of states in the United States on sort of the deeper end than just max and that's segregation/isolation and work with juvenile justice, have in a couple of states, Florida and Massachusetts for other states.

The Vera Institute of Justice is based in New York. It's about 50 years old and is non-profit, bi-artisan, kind of on the ground kind of a place. They do demonstration projects. They do technical assistance, lots and lots of technical assistance and they do some research, and they work with government partners and also community and agency but particularly with government partners and stakeholders. Very on the ground kind of a thing. It has one permanent office outside of that they're at the base of the Brooklyn Bridge in Manhattan. It has one office in D.C. on DuPont Circle, and I'm permanently based in that office. The D.C. staff do a lot of corrections stuff. Vera does things with justice systems, with enhancing safety, with enhancing efficiency in systems. Works lots and lots with the heads of agencies and systems and also works with community partners in that sort of a way. We do a lot with the Bureau of Justice Assistance and then with local agencies as well as other fed agencies.

So that's a little bit about the organization and what I was asked to do by Mr. Socas, actually, in this conversation at some point was tell you a couple of things just nationally that we're working on. I would never just walk in a room and start. I always like to come and listen and try to learn because I don't know your state system, working in Illinois and working in Maryland at the moment. So when I tell you some of this stuff, I'll try to pull out points that I think you've already talked about like gangs, for example.

### **Senator Webb's Criminal Justice Bill**

MR. MOE: Good afternoon. My name is Trevor Moe. I am Senator Webb's legal counsel. I was speaking to him on the phone on the way down and he asked me to express his appreciation for you all's service to the Commonwealth. Criminal Justice issues are very important to him. He's not on the Justice Committee but he has introduced a Criminal Justice Bill, which I don't what level of familiarity you all have with that but I think you have a copy and then also a great article, which the Senator wrote. What got him thinking about the U.S. criminal justice system was an article he wrote for Parade about 25 years ago. He was in the Japanese criminal justice system

- DRAFT -  
- For review and discussion purposes only -  
- DRAFT -

and just sort of looking how their system worked on all levels, and what jumped out at him at that time was Japan, which population was about half the United States population, had about 40 or 50,000 prisoners in its criminal justice system, whereas the United States was in the hundreds of thousands at that time, so he was always a writer. This is the first time he's ever been elected to political office.

MR. MOE: So one of the things he talked about in the campaign was sort systemic unfairness that is built into our criminal justice system and then also the size of our criminal justice system and why he thinks it's backward. We have 5 percent of the world's population but we have 25 percent of the world's prisoners in the United States. This isn't necessarily a political issue of one side or the other, and I think that's reflected in the groups that have gotten behind this Bill and our co-sponsorship. Oren Hatch is a co-sponsor of this Bill. Lindsey Graham is a co-sponsor of this Bill, so there's a lot of notable Republicans behind it but then also we have the three largest law-enforcement agencies are supporting this Bill as is organizations for the reform of drug laws. You have the Heritage Foundation and the ACLU. Just really strange bedfellows that everybody's getting behind this Bill. Because I think everybody recognizes that we have a big problem and it's a national problem.

If you look from 1980 and sort of the elephant in the bedroom is the incarceration of non-violent drug offenders. We have half a million drug offenders incarcerated in the United States right now. In 1980, we had 40,000. So you look at the costs and the trajectory of prisons and what we're spending on it, it's going up and up and up. Our spending on education and other social systems is going down at this point, and while there's variations among states and there's variations over time, overall our general safety and our perception of safety has not improved, so now we have the most incarcerated population in the world, and if you look at us and compare us to other Western democracies, we by no means are the safest people so there's got to be a fix for us and that's what we're trying to do with the criminal justice bill. The best person to talk to about this subject would be the Senator. The next best person in our office is Doug Irely, who's been working on this issue for about two and a half years and he's amazing, but unfortunately he was unable to come today so you got the very distant third, which is me. So, I hope I can answer any questions that you all have.

MRS. ALKSNE: Can you tell us about the Bill? We all have a copy, it's in Tab IV in your binder. Behind the Parade magazine article.

### **Senator Webb and Parade Magazine**

MR. MOE: You have a copy of it. Before I sort of get into the nuts and bolts, I can tell you where we are. Bills sort of die before they go through Committee in the Senate. That's where Bills go to die. But we pushed with bi-partisan support and a lot of support from members on the Judiciary Committee, and we do spend a lot of time up there, initially our Republican lead and Senator Webb was very conscious, he wanted to

- DRAFT -  
- For review and discussion purposes only -  
- DRAFT -

do this in a very bi-partisan manner, so Senator Specter was our number two on this Bill but then he became a Democrat so good for our party bad for this particular Bill, but Lindsey Graham has really stepped up in a big way as has Oren Hatch, other Republican members on the Committee, and I think universal support from all the Democrats on the Judiciary Committee. So it went through hearings. It passed out of Committee unanimously and we're trying to get a vote sometime this year. We may even get in before the elections, which would be great. It's one of the very few things that you have broad, bi-partisan support on so we're hopeful. The Commission will ask for 18 months. There will be 11 Commissioners. There will be subcommittees and a large number of staff. Obviously, this is a huge topic to cover. I guess we could do – do you want me to go into the Findings?

MRS. ALKSNE: No, you don't have to do that. Just generally it sets up this Commission and...

MR. MOE: So it sets up this Commission and they're just going to study absolutely everything you can name. How internally – In Japan how it works you have a lock-key system. You are not managing a prison unless you started as a guard opening the gates or cooking the food. You work your way up in the military. Senator's a military guy so that concept appeals to him. He thinks that we really need to look at how internally prisons function in terms of the staff. In addition to that, we have a lot of violence and rape, sexual abuse, in our prisons, I feel like I'm preaching to the choir up here, and he just thinks that systemically there needs to be a better way to do that. MS-13 and some of the Latin gangs that are now based in Central America were created out west in our prison system so this Bill is not giving the answers. There are no answers in this Bill. It goes through and says this is a problem, this is a problem, this is a problem, and we want you to come up with answers on this and the 11 members are going to be picked bi-partisanly by the two parties and appointed and they're going to look at these issues for 18 months, and there's a broad range of backgrounds from which these Commissioners are going to come from. And then in 18 months they're going to come back with the answers. Not everybody's going to like these answers, but this is going to be non-partisan ideas for fixing our system.

In the Judiciary Commission, there's lots of sort of piecemeal ways to go about fixing problems or perceived problems in the system. There's the cocaine/crack disparity is a big one that's getting a lot of attention right now. It actually made it through Committee on I guess they've changed it. It was 100 to 1 disparity and the compromise was a 20 to 1 sentencing disparity now so that's moving. There's voting rights restoration. There's a lot of bills that talk about reintegrating people back into society after they've been released, because some states do a very good job with this and there are some excellent programs out there but that's not true universally. Some states do a very bad job with this.

MRS. ALKSNE: How do we do?

- DRAFT -  
- For review and discussion purposes only -  
- DRAFT -

MR. MOE: I haven't looked at Virginia enough, to be honest with you.

MR. BURRELL: And federal law would make it uniform.

MR. MOE: Yes and no, and we are looking at state and federal and local. And we're the federal government so we can only legislate for what federal judges.

MR. BURRELL: I'm talking about restoration...

MR. MOE: Restoration -- we cannot touch -- the restoration would be on the federal voting rights. It would not affect state voting rights, that's correct. There's all these piecemeal issues to address small problems, but what the Senator wanted to do is just take a big bite at it, and that's unusual. Typically unless you see something that the leadership is running through, whether it's healthcare, whether it's financial reform, these are folks who are not on their first term and are in leadership positions on either side that are sort of pushing these bills. For a first-term Senator to say, hey, we're going to take a whole segment of society and push a fix, that's very unusual and people told him not to do it, but they told him the same thing with the G.I. Bill, because that was a global fix for service members. He doesn't like doing things piecemeal. He thinks that this is a fix that should come in a large package and people who work in criminal justice should be coming up with -- these should not be political solutions.

In the campaign, all his political advisors were saying you can't talk about this in a campaign. The only thing you talk about in criminal justice is lock them up and throw away the key. That's the language you need to do in an election, but he did talk about this on his campaign, and he's dedicated to do it. We don't know what the fixes are that are going to come out of this Commission. We think we have a pretty good idea. We've talked to hundreds and hundreds of groups over the last two years in developing this Bill. What needs to happen now is that bundle of information needs to go to the Commission and the Commission sort of needs to re-talk to everybody and they're the ones who will come up with the solution.

So, we're not offering solutions in this Bill. What we're doing is saying these are what you need to look at. These are the findings that we're going to need to have, and at the end of the Commission you will see a very large package which ideally will rework the criminal justice system in the United States, and a large part of that is we have 300,000 folks with mental disabilities or mental health issues in the criminal justice system. We need to be dealing with those people in a dramatically different way than most of them are being dealt with today. We need to really take a look at how we deal with non-violent offenders who are in the criminal justice system solely based on drug usage. The Senator believes we need to move to a treatment model, but that's not what this Bill is proposing. This Bill is simply proposing let's all stop and look at the system. We have not done a system-wide review for 40 years.



- DRAFT -

- For review and discussion purposes only -

- DRAFT -

- ✓ MR. SOCAS: I think part of what we're trying to do with this session, and I think the Bill is a great example of this, is what should this group be thinking about? You know, if you were take a step back and put aside that we have no money and the budget's being cut and we don't know the number of beds that we have in the system, put aside some parochial issues like that, a couple little things like that, what kinds of strategic things should we be thinking about, because I think everyone has their own ideas. What are you seeing other groups that you advise think about, and I had one specific question I'd ask at the end, but just what would you advise us to be putting on the front burner from a long-term strategic standpoint?

### **Types of Confinement – What Does It Cost?**

DR. BROWN: Well, listening today, and there's things that sound familiar. The United States has, it depends on whose numbers if you do Pew's numbers or BJS's numbers or whose numbers, but 7 million-ish people under some sort of correctional supervision. Now, 4.2 million of those are on the outside, not on the outside. About 1.5 million are in state prisons at a slice in time, and as you've said about it yourselves, we are seeing decreases in prisons. Jails it's much more scattered. It's just so different in different areas. But prisons, we are starting to see some population decreases. On the back side of that news is that the age of folks in prisons, especially bigger prisons for more serious charges or just some jurisdictions for almost anything you did, is going up. So, some prisons are starting, for example, to build geriatric wards. You want to look at cost ratios, that will just kill you right there. You've got Alzheimers, and you've got diabetes and you've got wheelchairs, and you want to think about. But nationally, especially with the male population, there are things that have to change. So I think even pre-recession at a state level, for most states. You know, we used to have rich states and rugged states but now for most states they can't afford this stuff, so one of the things that has happened is even though you have a decrease, you have a cumulative population, so when people say decrease, that's good cost-wise, maybe, but don't be – ask three questions.

So the first question is, how long are folks there, so you begin to get aging and decompensation of various kinds, and the second question is, what kinds of housing, because the more you have folks in seg, your cost ratios initially look better because you think well I only need "x" officers for this many people even though those people are tough to manage because it's all automated. Except those people go crazy and they get medical problems and stuff happens and then you're back in costs.

So you want to know like the sentences and the kinds of confinement, the actual conditions of physical confinement because that leads to intense cost. Seg cells on average nationally, and again like you can always argue with any number and I do that all the time, but they're probably twice as much in most facilities to run over time as other kinds of cells, even in your max, your high-security places. To build a seg place

- DRAFT -  
- For review and discussion purposes only -  
- DRAFT -

costs a bunch to do it right. If you build a max security and you have all that hardware. So in the long run they'll say but my ratio is so good and it doesn't cost me that much to staff it, except that they're never, ever in these days going to make up that building cost. Building costs are just too high and it's front loaded.

DR. BROWN: So there's those kinds of things. One of the things that we also see, and as you talked about and it was such a great presentation on gangs, interesting to me because I've just been in both Illinois and Maryland. What we're doing in Illinois and Maryland. The Vera D.C.-based staff, and I'm one of the leads on that project, and Dr. Susie Alga in the back of the room is somebody that hangs out and supes (sic) with me, but what we're doing on that one is working with several states to try and reduce the number of folks, not to get them out in the community, this is all inside stuff, reduce the number of people that are in a segregated/isolation kind of housing status, whether that's control unit supermax, whether that's admin or disciplinary or specialty seg, you call it punitive seg, is that what you call your disciplinary?

MR. LEININGER: Segregation.

DR. BROWN: Just seg. So see who you can move out into probably higher security levels, but other kinds of secured conditions. That can cut costs pretty rapidly over say a seven-plus-year period. It takes a while for that to show up. We are working with the State of Illinois now, Director Randall there, he's been there what a year and a half or something, fairly new Director for the state, and now the State of Maryland, Gary Maynard, in that effort. But one of the things that I was thinking listening to you talk about gangs, do you know Egley Gang Data – his last name is E-G-L-E-Y and you can get it from the Office of Juvenile Justice and Delinquency (OJJ), but he does national data the extent you can on cities and so if you look at cities, bigger cities, all cities are beginning, pretty much, to see increases. So the trend across cities, even though are exceptions, at the city level you're seeing increases. So it makes sense that it's going to push up to jails and now as you're saying, it's coming toward you, it's like a wave. That's one of the things when I go inside that for instance, Illinois, now Maryland is beginning to feel it, Illinois is already there, their administrative seg – that's when you haven't done a specific thing that you got an in-house sentence for, right, their administrative seg population got really, really big comparatively and a lot of it is people that seem to be active or they're leaders and then they don't know what to do.

### **Gang Renunciation**

DR. BROWN: One of the things that you might check out, if I could find the right name for this, but in Illinois for you I'll leave my contact information, but they did a thing with renunciation for example, that Gary talked about this morning with gang membership. The problem is that – this is in Tams. Tams was built 11 ½ years ago in Illinois and is their supermax. Pontiac has their major disciplinary population. Menard has a lot. Dwight's their women's. Has about 85 women in isolation there and then the

- DRAFT -  
- For review and discussion purposes only -  
- DRAFT -

rest are spread all over across the state. So, they have about 48,000 compared to your 38,000 altogether right now in Illinois, and 2842 one day lately in segregation/isolation. So when they try to get these people to get into that renunciation, step-down program, they were having trouble because they have so many facilities with lots of people at a high level, they go out there, they get killed – or almost, I mean they get really taken off. And so, they're working now instead of formal renunciation with some alternatives that still come up with the same. They used to have renunciation hearings, you had to sign something and have witnesses, and those guys didn't face a good future because they're going to be around a while. So that kind of gang thing we hear.

So we're working with the segregation, helping facilities sort of build models internally that match them and their facilities that would be different for different facilities in one state. Where they can figure out a different way to rotate some of those people out, to do some transitional programming for moving them out and then to do some programming for folks who are in, and I was listening to your Director say, you know, hey, our goal right now is survival. Not to do the stuff we think we should do. We're just trying to breathe in and out and feed people and get toilet paper, I assume. Bedford would run out of that. That's a real nuisance. But even then there's cost-benefit stuff that kicks in so if you can find kinds of programming that are going to offset violence or offset other kinds of disruption or offset decompensation in your longer terms, that those costs will balance out. It's just figuring how to do that. Some of the programming can be group stuff. Can be lower-cost facilitators and your psychologists and psychiatrists and those folks or your medical doctors. Another thing that we're doing with, again, prisons, and again, as a system, and actually this is Nevada, Colorado, Miami-Dade in Florida, where's the Texas one, oh, right, Travis County, Texas, and then Prince Georges here close to home is working with those jurisdictions on oversight and ways to be more effective in their oversight.

### **Confronting Confinement**

DR. BROWN: Vera, and I think this is something that you mentioned to me, the Vera Institute of Justice a few years ago, in about 2005, put together a commission, a national commission, to look at conditions of confinement. And that was published, *Confronting Confinement*, I can get you, anybody that wants these things, but it's published in 2006. It was the first time – you said something about LBJ. Me, too. It was the first time there had been a national look at conditions of confinement since LBJ's time. And that led to a prison oversight project which has a fancier name that I won't bother you with, and that's the one we're doing with these two states and three counties now, and that is to work with jurisdictions. We don't come in with a pre-supposed model and drop it. We just come in and work with. We really just partner. It's just Vera's style. And so to work with jurisdictions to sort of take one half step back with the people who know inside those systems and look at the oversight stuff that they already have. And then they do a self assessment. How's it working? Did I inherit this somehow? Is it not working, and then we synthesize and bring to them

- *DRAFT* -  
- *For review and discussion purposes only* -  
- *DRAFT* -

what's being done in other places. And they can say that sounds interesting, that would never work here, I hate that idea, what about a piece of that and we can get more information. In fact, May 17 and 18, this year we're bringing together folks from those jurisdictions here to D.C. to be with us and really synthesize models for them, give them more information individually, different jurisdictions, what they're interested in. They'll do breakout groups to try because one of the things we came out of the commission with on the early Safety and Abuse in American Prisons Report was a place with good oversight internally and externally is a safer place, and it's much safer for officers, for one thing, safer as far as liability and other liability and other exposure stuff, and better for the folks that are residing there.

### **PREA Update**

DR. BROWN: Let's see, you asked me about that. I mean you guys know about PREA, I saw it on your agenda. The D.C. office of Vera again staffed the commission so the Prison Rape Elimination Act of 2003, and about two years later, Vera was asked to staff the commission and that commission's mandate from the act was to put together standards that would identify best strategies and standards to try to reduce prison rape. At that point they were estimating that in one year that BJS did in 2007 a study and they found something like 4.7 percent of the people, and they interviewed people all across the United States, thousands and thousands of folks who were incarcerated, that 4.7 percent reported at least one sexually violent incident against them in the past year. And you figure there's underreporting and that's kind of a squishy figure but even if it was that, if that was right, that would be more than 70,000 people in your systems in a year, 2007. So these standards wound up covering adult prisons and jails, juvenile detention, community corrections and immigration detention, so there's four separate books of those. Then I lost about seven or eight months of my life being the person that pulled together the report that accompanies it for the public and the attorney general. The report weaves in the standards, but the basic of the report was to go over the issues, the legal history, the liability kinds of issues for facilities, that scope of the problem, and then some potential solutions and approaches. Those standards and this report then were submitted to the attorney general, which was by that time Holder, June 23 of last year. So he had a year. So that's this June. So theoretically he's been doing listening sessions and hearings. By June 23-ish, end of June this summer, he's supposed to promulgate regulations now those bind immediately all federal facilities, but states and other non-fed facilities have some window of implementation. That window is not set. How that's going to work exactly, incentive-wise, deconvective-wise, that's not quite clear, but that's supposed to happen in June.

MRS. ALKSNE: Do we know what they're going to require. It changes so often that it would be better if I worked with the attorney general I'd know that better.

MR. LEININGER: As part of what the attorney general's been soliciting from states. The organization of state correctional directors has been very active.

- *DRAFT* -  
- *For review and discussion purposes only* -  
- *DRAFT* -

MRS. ALKSNE: And is there a carrot in this if we do all these things, they're going to help pay for it. I mean, a lot of these things are really expensive, aren't they?

DR. BROWN: See if you know a different answer to that. Initially, it was a disincentive but it was a disincentive we recommended strongly they work on. It was that you lost 5, once it was 10, you know how those move, percent of your federal funds if you didn't meet certain levels of the standards. But do you know anything more recent than that?

MR. LEININGER: No.

DR. BROWN: The trick with that one was that for it was what level of the standard, sort of like a matrix, what level of the standard and how much does that cost. And so, you know, one of the concerns was you could see facilities saying lose that money because if I do this other stuff, it's going to be more. But a lot of the things are really practical, so just watch for that in June. It gets promulgated this June and it binds federals but then states will have.

### **Resource Center**

And the other thing that just happened is that the Bureau of Justice Assistance, just this month, like last week, put out a thing for a resource center, so they're going to fund a resource center for facilities in trying to implement. Now I'm not hearing money to facilities but it would have training, it would have technical assistance, it would have program implementation assistance, and it would have a resource center and you could click in and see the resources that already existed and priorities, like there will be some funding streams, that theoretically, given if we have funding streams, that prioritize implementation of PREA. So, that's another piece I wanted to mention.

And then the last thing that we – I'm just trying to give you sort of samples of what is going on in the United States. This segregation thing is really going to grow. California is considering it. We have another state interested. Right now we could probably be up to three or four or more states if we had funding. It's getting funding that's tricky for everybody, including us. It's not the most popular topic in the world, prisons. But that one's growing and I've been doing this a while, and seven years ago I would never thought we'd be talking about cutting down seg, because for a while we increased it, we like doubled the number of seg beds in about five years. The population grew about 28 percent as a management and a response to violence. So I think that's the main things that I wanted to say about PREA.

### **Veterans**

DR. BROWN: There is just one more thing I was going to mention and see what your questions were and that is that we have also worked a lot about veterans coming back in



- *DRAFT* -  
- *For review and discussion purposes only* -  
- *DRAFT* -

so I won't say a lot about this. You haven't mentioned it today. We've talked with Federal Bureau of Prisons and with Director Lappin and have spent a lot of time with him. He's doing some pretty creative things on that end, he's very concerned about it. There's two levels obviously. We've talked with the National Jails Association. They wanted to do stuff with us. They – neither of us have found funding. And with also some police departments, like Oakland, but the idea is that for prisons and jails, veterans come back either as returning employees, they were given leave and did their time, come back from theaters and come back to their jobs, but veterans now come as new employees when they come home and they're wanting a job. And in fact, Federal Bureau of Prisons just raised their floor, they had a cutoff and you couldn't apply after a certain age and they raised that age so that veterans coming home can apply to work there, and then folks come into prisons and jails who are returnees. And right now there is no systematic way they are identified. And one of the things that Director Lappin and that other state facility and jail people say is, you know, I wish I had known, kind of, when this person came in, I wish I'd known that he was just back or that these issues were going on and maybe we could have resourced it in some different way. Or for corrections officers, even if you don't see some -- I mean there's been some violent incidents, police officers, of course, have that too, with returnees where they're taught to clear buildings, and something happens and maybe they've been on tours, some of them have been on three tours, Afghanistan and two Iraqs or something, and they react, very fast, because when you're over there, you don't try to figure this all out and talk about it, but even if that doesn't happen, you have a lot of sort of what comes down to them is time abuse or insubordination or that stuff. So, that's another piece that we've done a lot of work on, prepping. Sir?

REV. PAIGE: HIV/AIDS. What are you seeing across the country? Is the Centers for Disease Control doing or planning to do anything in partnership with Departments of Corrections to try to deal with this?

DR. BROWN: I'm not working with CDC right now. I was before I came to Vera. Do you know anything about this, Trevor? So I'm not – I'm sorry, Reverend. I'm not a good expert on that. If there was some major thing, I would have heard about it. But it could be internal still in planning. It certainly is a big problem. And the other piece is that – as is Hepatitis. Hep B. There's a range of things, especially if they have long incubation periods, that you might not see when people are first in, but if you keep your populations over time you do see. And the jail populations almost never address and it's a huge issue in jails.

### **Re-Entry and Recidivism**

MR. MOE: I'd like to respond real quick, there was a question about what to focus on or obviously with the budget, but I would say re-entry programs and recidivism because it's another way to cut costs if you don't have a revolving door that will come down, and recently we've seen a number folks, Goodwill was in to talk to us, and they're



- *DRAFT* -  
- *For review and discussion purposes only* -  
- *DRAFT* -

going to do a pilot program, I think it's 15 folks they're taking from the Roanoke area, and because Goodwill is statewide, once -- they start inside the prisons doing training and once they get out, they do job placement but if we can do better with recidivism rates and re-entry programs and obviously with the budget cuts, we're going to have to look out for outside partners but I think there's a number of partners out in the community that we can start working with. And veterans aren't just coming back as guards. They're unfortunately coming back and getting out of prison so one thing that we've been looking at is right now you can't get benefits when you're incarcerated as a veteran, so we're trying to look at ways where we could make it possible for veterans, who are about to get out of prison, to be eligible for benefits so they could be better reintegrated back into the community.

### **Community Corrections**

DR. BROWN: And community corrections is another huge area. You said that your community corrections is growing as far as a population here this morning, but that is, I mean, you just can't keep everybody inside. Jails or prisons. There's just no way. Budgetary there's no way. You're not the only state that can't build anything new. Lots and lots of states are trying to close facilities, but then they have to have some transition. If you just close, you get killed politically, for one thing, immediately, but you also need something and I think community corrections is one of the transformative edges. That's a real potential. Certainly cost ratios can be very different. There is more acceptance. It's still not in my backyard but more acceptance of it being four block away, maybe somebody else's backyard, for people coming home. And especially in some communities where they're so angry and worn out with so many folks being locked up that some of those communities, if they see some transitions, especially for their younger kids or something, are interested in that.

### **Green**

DR. BROWN: One more thing you just made me think of, and you talked about this in your agenda, I think, for this afternoon, and that's green efforts to cut costs. That's someplace on your agenda, right? And we just started with Ohio with a prison, Southeastern Correctional Institution, in Ohio and they're doing this kind of cool green thing we're working with them, and that's where they're trying to retrofit in some of the facilities, so at this point there's only maybe one that's really structurally you could do that, but retrofit facilities and so it's that mix thing where you use it as a training and a job training and you get the work, and so they have people coming in and there's two entities on the outside on how you do this and that, I'm not sure exactly what all we're doing, but you know, solar and others things, I don't know, and so they come in and they train people that have been selected for these programs and then they retrofit some things and then the hope is that since the people that you'd be training to use tools are already people that will be going out soon that you think are fairly safe, that they'll be able to get jobs in this as a new industry, and Ohio does have some pushes in that area

- *DRAFT* -  
- *For review and discussion purposes only* -  
- *DRAFT* -

that have agreed to take some people. But in Ohio, \$55 million a year goes to stuff to do with making these buildings run, utilities, just all those kinds of things, and when we talk about prison costs, that one gets left out a lot. I mean I hear a lot about staffing and about cell costs...

MRS. ALKSNE: Energy costs are a huge and growing number...

DR. BROWN: And they're so – the rate of things like utilities can be like that as far as the escalation of costs. So that's a – if you're interested in any of these things, we can also put you in touch with folks.

MR. BURRELL: You said you're looking at in the next 18 months setting up a commission and getting a study in place...

MR. MOE: Well, the commission won't be set up until we get floor time and we get a vote on the Bill. About a month after the President signs it into law, the commission should be up and running. 18 months, they will make solid recommendations on what we need to do to fix the system in the United States. That's sort of where the real fight begins. Hopefully, though, having a bi-partisan commission behind it made up of experts in the industry will get us to the point where that will give us the push.

MR. BURRELL: And they talk about expunging a person's record. You got out here and you had a speeding ticket five years ago, after that, it's not on your record. But a person has paid their time to society and they go to get a job ten years from now and they've got a jail record, that doesn't bode well for people who want to integrate back into society. There should be some way of expunging non-violent – certain crimes. Just wipe their record clean after being out and staying crime free for a period of time.

MR. MOE: The commission could certainly recommend that. It's not called for in a specific finding but there would be room for it to be found.

MR. BURRELL: A lot of people go back to crime because they can't get a job.

MR. MOE: Right. Absolutely.

✓ MR. BLANK: Trevor, before we let you guys go if this is not putting you on the spot, you can think about it and take it back. It's more of an offer. What can we do to help you and the Bill? If there is something that the Department or the Board specifically, if there is information that you can use from Virginia for national information or to help the commission, we're not just asking you to come down, it's not a one-way street, it can come back to you, and you've heard today, at least the time that you've been here, these guys are doing an unbelievable job even if the system may be philosophically may be broke, the job they're doing is incredible,

- *DRAFT* -  
- *For review and discussion purposes only* -  
- *DRAFT* -

and I know they have things to offer so to the extent that we can help facilitate that, just let us know.

MR. MOE: That to a large extent has already happened. The Senator has visited a number of facilities in Virginia, and there's been great cooperation back and forth. At this point, I think, we're real close to passing the commission so it'll happen, and in terms of that, it's very foreseeable the commission will call on you as a body for information so just information providing at that point but we appreciate that. And the Bill is not supposed to be an indictment of anybody in the criminal justice system. Basically we as society, we as government, have told people in the criminal justice system what to do and that's what they're doing. And there's a lot of folks doing a lot of very good work out there, but systemically, have we set it up right is the question.

MR. PROFFITT: I can answer that.

REV. PAIGE: Our Chairman is an expert in the system so you all are going to need him.

MR. PROFFITT: My father said he knew I'd end up in jail, so he was right.

MR. WASHINGTON: You made a comment in reference to the veterans losing their benefits...

MR. MOE: They can't apply for them. They have to be out of jail for a lot of the benefits and one of the things the Senator has done that we're starting to look at is the G.I. Bill. After you've served a tour, two tours in Afghanistan or Iraq, you now have the same benefits that if you had served in World War II. The benefits before this Bill you couldn't go to community college on, but now we've got, I think it's 250,000 people now enrolled after they've served in Afghanistan and Iraq, but how do we fit that – there are veterans who've returned from Afghanistan and Iraq who are now incarcerated. You know, whether we can provide them with educational benefits while they're incarcerated, they also did serve their country and are eligible to educational benefits. That's one question. I don't have an answer for you today.

Another question is applying for certain housing benefits or health benefits, you can't apply for those benefits, and it's a regulatory issue right now, while you're in prison so you get out of prison and you begin to apply but then there's a lag time when you can re-offend or get back on drugs or a number of bad things can happen, so we're very slowly starting to look at, and I apologize because I'm sort of new in this and this doesn't fall under Doug, this does fall under my bailiwick, is how do we set it up with the federal regulations where you can apply while you're in prison, how can we make it so you know that those benefits are available to you while you're in prison as a veteran, and it's not just veterans of Afghanistan and Iraq. We're talking Vietnam veterans as

- DRAFT -  
- For review and discussion purposes only -  
- DRAFT -

well, so how can they get out and have these available to them as soon as they get out so we don't have that window where they reoffend or restart using.

DR. BROWN: And the veterans are going homeless – becoming homeless more quickly as near as the people that track these sorts of things. The Vietnam veterans became homeless but it took longer, unfortunately, many of them stayed disconnected over time. But coming back from these two theaters of war, they're becoming homeless quickly. Maybe it's because they're coming back to all these high costs and now a recession and now it's even harder to get themselves reestablished and they're dealing with explosions and all this stuff so they come back really jumpy and traumatized but if you add prison to it and they come out, they don't have the pieces in place that they would, as a veteran, and also depending on the kind of record they had, they can't get housing because it's so limited already, so if there's any background required there. And there's not a real resource for that.

Another thing that we've talked about at Vera as part of the issue about veterans coming home and the criminal justice system is trying to build a resource center so that you would know what attorneys would work pro bono to try to help you unkink some of this stuff. Where are resources for your family? What would you do if you wanted to go back to your family but you couldn't afford a place so you can't be with them. Is there a way to be with them? How would you get housing? Those kinds of things, and right now there's all kinds of organizations. We've had three big meetings and people come from everywhere, from major organizations and from the government, but nobody has any coherent plans at all. It's just scattered. And it's an eight-year-old war, it's longer than Vietnam, and nobody has figured out how to respond.

REV. PAIGE: A lot of churches are developing resettlement programs for people returning home and a lot of them are not connected to the Department of Corrections and they're out there in a lot of local churches and they're doing a good job. And they're not even asking for money.

MRS. ALKSNE: Interesting. Food for Thought. A little late – dessert for thought. Thank you all. I know it was a long drive and I'm sorry we're late.

DR. BROWN: It was very, very interesting.

MRS. ALKSNE: Any time you think, wow, this would be really interesting. That Board is curious, I should send it to them, send it to one of us and we will get it around to everybody. That would be great. Thank you, very much.

DR. BROWN: Thank you.

MR. MOE: Thank you.

- *DRAFT* -  
- *For review and discussion purposes only* -  
- *DRAFT* -

MRS. ALKSNE: Why don't we go to – I think we kind of have a feel now for the overcrowding. What do you guys think?

MR. SOCAS: I feel like we've probably talked about that issue as much as maybe we should for a day like today. We can certainly touch on it again but we have not touched on recidivism/re-entry at all, although it made sense to introduce that.

MR. LEININGER: She'd be the person to lead the subject.

MRS. ALKSNE: It seems to me we have two options. One is to talk – to look at some of the emerging issues. Do we want to do that? I would...

MR. SOCAS: We can do that quickly.

MRS. WOODHOUSE: Rick is not here so you can't address Technology.

MRS. ALKSNE: Rick is not here so we can't do that. Kim's here...

MR. SOCAS: Well, John Britton could do the effectiveness.

MR. LEININGER: And Don Guillory is here to talk about Correctional Enterprises. Scott Richeson is here so you can hear about our thoughts on PREA. Do you want to hear from one of these folks?

MR. SOCAS: Is John getting ready to go? Maybe we do – John, is this the data on the recidivism rates?

MR. BRITTON: Just one slide.

MRS. ALKSNE: Can't we save recidivism until re-entry? Don't you think that makes sense? What else can we knock out?

MR. BRITTON: We've got Scott Richeson here. We've got Don Guillory.

MRS. ALKSNE: You want to do VCE, that's a great idea.

MR. BURRELL: I'm thinking when we have our regular Board meeting, 2:30, 3:00. We can take an hour or two to take up some of these issues.

MR. SOCAS: For us to talk. I think that's a great idea.

MR. BURRELL: And we may want to do it on a continuing basis.

MR. LEININGER: Mr. Chairman, if we're not going to be using him, let Bill go.

- *DRAFT* -  
- *For review and discussion purposes only* -  
- *DRAFT* -

MR. SOCAS: Just so – I may be going crazy but you presented to the whole Board two meetings ago?

MR. GUILLORY: That's correct. I am the same person.

MR. SOCAS: Same person. Different message? It's a disaster?

❖ **Correctional Enterprises**  
❖ **VCE and Recidivism**

MR. GUILLORY: I have a different message. The message is good. And really I guess what I wanted to talk about briefly, is you're going to hear a lot about recidivism, the reduction of it. I can only say how it relates to Correctional Enterprises or Correctional Industries.

MRS. ALKSNE: That would be great if you can talk about that.

MR. GUILLORY: VCE is a certified program, it's audited by the Bureau of Justice Assistance and predominantly in conjunction with NIC. We have had several PIE programs here in Virginia. Many in private enterprise think that PIE equals cheap or virtually free labor, which would be an incentive for private enterprises to come to prisons for their labor. It just really isn't a fact. PIE requires that inmates are paid either the minimum wage or a prevailing wage in that particular job classification that they're performing. If they're a welder, they're subject to get the same rate of pay as a welder would get on the street in that similar locality of the state. So it's not necessarily free.

But PIE programs work and they ultimately have proven in a huge study by Cindy Smith several years back, and I have the link to those studies if you'd like. In the interest of green, I didn't copy and present it for you but it's quite a lengthy report with an Executive Summary that you can read in 30 minutes. It will provide you with the nuts and bolts, a condensed version of that study. But what it proves is that PIE participants have a lower rate of recidivism and they also have a quicker job attainment upon release. That's the bolts of the study. PIE does work and it is a program that we have had in Virginia for a number of years. We are currently talking with two potential PIE partners. It is a lot of bureaucracy to go through with contracts, memorandums of understanding, agreements on how it is going to work, how the inmates are going to be paid, how the Commonwealth is going to be paid through Correctional Enterprise and what the inmates specifically are going to do. It also requires that any inmate who touches a particular PIE product, even so much as moving it from one place to another, is paid wages at the PIE-program rate for that job. So it has to be, more or less, very closely controlled within a prison environment or a Correctional Enterprise setting.



- *DRAFT* -  
- *For review and discussion purposes only* -  
- *DRAFT* -

Variety of methods of doing that, and we have been successful in doing that. We have completed several PIE programs but they basically were on volume or number of pieces which have been completed, concluded and the PIE programs with those entities have been resolved. So it is beneficial. It does work.

MR. GUILLORY: The next tier down is just traditional industries, and you will see in the report if you are interested, it is called T-I-, which are traditional industries, and those are the ones that do have a very good success rate and then other than work, which are the programs, participation in NA, educational programs are included in that and some other stuff. Educational programs do work toward reduction of re-offending, and over a period I think of about eight years, they have research that shows participation in these programs does reduce recidivism, it also encourages and quickens the rate of employment, becoming a taxpayer, and it lowers the rate of re-offense.

MRS. ALKSNE: So what would you do to grow the PIE? It's working.

MR. GUILLORY: I don't know if it's a marketing issue, a informational issue or an issue where the public and private enterprise just doesn't know about it. We make every effort in espousing that when we go to meetings, community meetings, everything from BBB to Lions, community organizations, that sort of thing, of talking about that. It's an incubator program. It takes a while to get the paperwork done. But once it is done, it works. The real benefits of a PIE program as opposed to paying minimum wage at any other place is that our workers are there, they're serious about the work, they don't go to grandma's funeral, potentially they don't get drunk on Friday and not show up for work on Monday, we know where they are or we're looking for them, and that's more frequently we know where they are, so a stable work force, in a word, a phrase, is the real benefit of a PIE in a correctional setting.

MR. SOCAS: Don, you had commented, I thought, with VCE that in the last discussion that you had a concern that the types of prisoners coming into the system, were not skilled, maybe didn't have the educational background, maybe it's gang related, for you to expand the program as significantly as you wanted or that was a concern. Were you getting skilled workers; were you getting foreman or management types, etcetera. Can you just comment on that and its relation to how broadly this program can be grown?

MR. GUILLORY: Well, there's no doubt we need a better class of inmates. That would help right off, but in a traditional industry program, we don't necessarily hire people with skills or with prior experience that work in the work field for the jobs that we perform. Frequently it is better that they don't have that kind of skill because of the work we do in the setting that we do. I think more than anything else it's the availability of a marketplace in order to sell that product. In a time of economic crisis like this, a couple of years ago we were right at \$50 million, pushing \$50 million in sales. Last year it dropped to about \$48. This year it's probably going to be close at

- *DRAFT* -  
- *For review and discussion purposes only* -  
- *DRAFT* -

somewhere around \$46 and I haven't told my boss that even, because it's new numbers that are coming up with our projections, but still, you know, that's not a huge drop as in some other areas of the market -- of employment. We are developing new markets and that's, of course, encouraging, so that we can continue the sales.

MR. GUILLORY: In order to grow our program, we do need new markets and then the availability of work and so forth, the space provided is sufficient. Obviously, there are time constraints in a prison setting, but we have not reached our maximum capacity of 24/7, potentially, in a prison setting.

MS. SCOTT: I think you may be thinking of the presentation by Mike Johnson in the construction unit who's actually looking for skilled workers.

MR. SOCAS: That may have been Mike Johnson. So VCE does not have that issue?

MR. GUILLORY: We do not have a shortage of workers in our programs. We have a shortage of customers. More than a shortage of workers, we have a shortage of customers. Even, and I would encourage you, having public with public entities, encourage the use of Correctional Enterprise. I've tried to espouse the phrase, anything but brick.

✓ REV. PAIGE: Send us some brochures.

MR. GUILLORY: I certainly will. I'll send it to the Board of Corrections. More than anything else, it's a web page. Catalogs are outdated the minute they're published.

REV. PAIGE: Well, give us the web address.

MRS. ALKSNE: But I thought people couldn't buy out of there, the desks and the bookcases and all that stuff.

MRS. WOODHOUSE: Regular people can't.

MR. GUILLORY: Governments. Government, city, municipality, any entity that basically receives any funds from the Commonwealth. And not for profit.

MR. LEININGER: Non-profit.

MRS. ALKSNE: Any non-profit.

REV. PAIGE: Well, who put the cap on it?

MR. GUILLORY: It's the General Assembly. It's a law that was passed 75 years ago. We don't want to compete with the office store right down the street.

- DRAFT -  
- For review and discussion purposes only -  
- DRAFT -

MRS. ALKSNE: Can you sell to churches?

MR. GUILLORY: If they have a certificate and a federal ID number, they're not for profit, yes.

REV. PAIGE: Wal-Mart?

MR. GUILLORY: Wal-Mart? They can sell to anybody they want. Well, the cry would be: unfair labor, unfair cost. We are competitive, obviously. The labor is not the cost of the production predominantly in our setting.

REV. PAIGE: Well, I think the cry back to them, though, and very seriously the cry back is any time when the country has declined its manufacturing, why not allow us to be involved when most of our manufacturing is moving out of the country. I think it's awful.

MR. GUILLORY: It's off shore. I agree with you wholeheartedly except for the guy that's unemployed that says I'm competing with a prisoner for work, at which point it doesn't matter what job that is, if there's an employment place available, he's still going to cry...

MR. BURRELL: He's going to go to jail so he can get a job.

MR. GUILLORY: Well, you know, that's actually my retirement plan with the federal system. I'd be more than happy to – let me give you my business card if you will send me a request for the study, I will forward it to you. I appreciate the opportunity to come and talk with you.

MR. WASHINGTON: How receptive are those parties to get involved in this. Are you getting a good response?

MR. GUILLORY: To our PIE program?

MR. WASHINGTON: Good, excellent, poor?

MR. GUILLORY: The ones that stick to it, they are just overly excited about the opportunity to do that. One, they have to have a little bit of a social conscience that says I do want to provide inmates with work and it's going to take a little while but I'm going to train them and they're going to benefit the economy in general. I'm a taxpayer. I'd like for that to happen more frequently. So they are excited about it. We do print these. If you look on the back of it, it's just a little thumbnail sketch of what we actually do make. And we do glasses. We do manufacture eyeglasses. That's the only thing that we do for employees of the Department of Corrections and that's through the Department of Correctional Ed. And they're very economical compared to

- *DRAFT* -  
- *For review and discussion purposes only* -  
- *DRAFT* -

what you pay at your local optometrist, and I certainly hope none of you are optometrists on the street.

MR. SOCAS: Thank you, Don.

MRS. ALKSNE: Mr. Chairman, what do you think? Welcome. We are ready.

MR. BRITTON: Did you have a PowerPoint that you sent?

MRS. BROWN: I did not.

MR. PROFFITT: In keeping with Corrections, Jane, you have a captive audience.

❖ **Re-Entry – Ms. Jane B. Brown, Director, Office of Community and Prevention Partnerships, Virginia Department of Social Services**

MRS. BROWN: Well, hello, everybody. It's good to get a chance to come and speak with you. My first task is to bring regrets from Secretary Decker. She had a meeting and had to be somewhere in the State, and so she asked me if I could come and talk with you a bit about re-entry. I will tell you a bit about myself, first, because it will help you understand what I tell you after that. I am an employee of the State Department of Social Services, a career state employee, and I am currently on loan to the Secretary of Public Safety to help them look at community outreach and re-entry. I have a background working with outreach to the faith community. I have served, I think, three Governors as the state liaison for outreach to the faith community.

**History**

So about, and you've probably heard some about this before, a few years ago, Virginia participated in the National Governors' Association Re-Entry Policy Academy, and this happened about the time that Governors across the country were starting to look at re-entry as an issue, and so what we did as part of that work with that Academy, which was really just the National Governors' Association helping us with staff and resources, no money, to examine re-entry in our state; where are the barriers, what needs to be done, recommendations, those kinds of efforts. So there was a massive review of re-entry in the state and we came up with a group of recommendations. We didn't know if they would work or not.

A number of people from DOC were very actively part of that. And in fact Barry Green, the former Director of Juvenile Justice, led that effort. But in that process, we thought we had some really good recommendations, didn't know if they would work, and since Social Services has a community infrastructure, and I was the representative to the interagency group on this, I had recommended that we see if we could get some communities to voluntarily use this approach to re-entry. And with the new

- DRAFT -  
- For review and discussion purposes only -  
- DRAFT -

Administration now, as you I'm sure also know, Governor McDonnell has stated his commitment and priority to prisoner re-entry, and so they're looking at what has been done in the past, and one of the things they're looking at is these community re-entry programs that are out there right now. I think that what Governor McDonnell has said publicly is he has a history of a commitment to public safety and that re-entry is part of that because for every offender who successfully reintegrates into the community, there's one or more less victims of crime and as well as the public safety part of this, there's also the human part of this, the restoring of families and giving people a second chance.

### **Where Current Re-Entry Programs Are In Place**

MRS. BROWN: So, I want to pass around, first of all, just a map showing you where the current programs are and where we've had at least preliminary conversations about using this approach in their communities. Now, as the Governor works on his initiative and he's going to be making some announcements about his particular goals and vision for this, what happens will, I'm sure, be an expansion of what has been done but I think it will build on what these local communities have started. And it's really not a new program. It's not something that is imposed on communities. These communities have voluntarily decided to take what we call a collaborative approach to re-entry, and the Governor has also said he wants a comprehensive approach to re-entry in the state.

But the communities have formed local re-entry councils, made up of key agencies in the Commonwealth, non-profits, faith groups, representatives from law enforcement, the judicial branch, and what happens is the Department of Corrections gives the community a list of here's who's coming back to your community in the next 36 months, and for the partner prisons, they're not doing it with all prisons in the state, but the communities have partner prisons, they are going out and doing pre-release planning with the inmate, the correctional counselor and representatives from the community, and that can be either one person or say, as the City of Richmond does, a case management team.

### **No New Mandates**

But the approach is not anything new; it's agencies doing what they always did. No new mandates. They're just doing it in a collaborative way and they're planning, because that pre-release planning is so key. It's based on four primary principles: interagency coordination, integrated service delivery at the local level, now this is what has been done but again I think they will build on this, integrated service delivery, helping people have connections to a system of family support and then that pre-release planning.

- DRAFT -  
- For review and discussion purposes only -  
- DRAFT -

### **Communities Volunteer**

So, knowing that is what is there, we are looking at – we’ve at least had preliminary discussions with four additional areas of the state, and that means one to three meetings to talk about trying that approach in their locality. So the communities have volunteered. The participants or inmates have volunteered. It’s been totally voluntary and there has been no dedicated funding to it. Now that does not mean there has not been a cost to it, but the cost has been that these communities recognize that by doing this in the beginning, either shifting resources or adding to the current workload, it’s going to pay off in the end because that planning does help people. Instead of coming out with their \$25 and lists of resources, they have a contact person they’ve met with before they left, they have a re-entry plan they’ve developed before they left, and when they get to the communities, the re-entry councils that are there are the service delivery for that community, and they pull in then, depending on after they do that interview in the prison pre-release, they know who on the council to tap, so instead of going from agency to agency and calling agency to agency, they have a pathway to re-entry.

### **Where We Are Right Now**

MRS. BROWN: So that is kind of where things are right now. I’m sure you’ve heard from DOC that re-entry has been a priority of theirs for a long time. They have been a full and leading partner, the leading partner, in a lot of this work that’s been done. The new CORIS system on risk assessment is an important part. The video conferencing they’re doing to help families connect with inmates prior to release. We have, my agency, Social Services, has written a grant for Second Chance Act funding, don’t know if we’ll get it but I think we’ve got a really good chance this year, to add a case manager to each of these localities so they can serve 200 more inmates. And we’ve included in that proposal the opportunity to do video conferencing not only for pre-release planning but to help families meet with their relative who’s incarcerated, and also so that the local teams in some jurisdictions, like the King George Re-Entry Council serves all of Planning District 16, and these councils meet, depending on their local needs and the number of inmates coming back, the frequency differs from community to community. Again, this is nothing imposed, top down, and I think that’s been the key to its success is we give the idea and the framework to the community and then the community adapts it to their needs. They meet anywhere from monthly to quarterly, and so far I think, we’re doing an evaluation of it, the Department of Corrections and Department of Social Services research offices, I think that there is a hope in the new Administration that they can do an even more thorough research of it to see if this is something that has some merit.

### **Re-Entry Is A Priority**

I guess my message is re-entry is a priority. I have worked on this pretty consistently for the past five years, isn’t it, Scott? Scott Richeson’s been very much a part of this.



- *DRAFT* -  
- *For review and discussion purposes only* -  
- *DRAFT* -

Anne Fisher, one of your guests today, from Virginia Cares, which is one of the community non-profits, has been very involved in this but everything that I've heard so far leads me to believe that this is truly going to be a priority. They really want to make some changes and see what we can do to make this process smoother. It's removing barriers and just making sure, particularly those of us that are state agencies, that we're not an impediment to people's success when they come out.

MRS. ALKSNE: How long do you think it will take you til you have data to see if it's working, or do you already have that data?

MRS. BROWN: We have first-year data and it's inconclusive. And one of the things we're doing is meeting with some college, Virginia college research representatives within the next couple of weeks to talk about how we would design something that could give us more solid data. Now, again, there was no funding. Along the way there was \$10,000 requested in a budget amendment for research, but that didn't get funded. So we have no idea. We have what's called a matched-comparison group. DOC identified inmates of the same age, gender, race, similar crime, to match a group that's participating but we have no way to know what happens to the comparison group. We have no money to survey them to see did you get services. So there are some flaws in the design. So the first-year evaluation showed there was a lot of added community collaboration, that people who came out did have better access to resources and benefits that were available to them. It did not show anything conclusive about jobs or recidivism. There was a slight – I think there was a slight difference in maybe both jobs and recidivism but it's not enough that researchers consider it statistically significant.

MR. BLANK: I was at a presentation two days ago where Randy Rollins, I don't know if you know him...

MRS. BROWN: Yes. Drive to Work.

✓ MR. BLANK: He's working a pro bono program to get people coming out re-entering their driver's license back because it is a very difficult process to get it. And we had a brief conversation afterwards. He said the folks of the Department have been incredible in terms of helping. He would like to come talk to our Board, which I said I would facilitate, but are there things that either the Board or the Department could help. Like that's an easy one where if people – if the Department or we knew about it, we could say this is a great program, we need to continue to match those people up and get those resources together so it makes it even easier. Instead of their having to search for the people, we can make an easy path for them. Are there easy paths that you can tell us we should be looking at, aiming at, to help you, help us.

- *DRAFT* -  
- *For review and discussion purposes only* -  
- *DRAFT* -

MRS. BROWN: Well, this morning we talked with, and yesterday, we had meetings with the conveners of those groups around the state, and this morning we had a meeting among that state agency interagency group, and what we've asked both groups to do is give us their viewpoints on three things: what's been accomplished, where are there still gaps and what are your recommendations. And we should have those in May and that will be then the list that we will use to help groups like the Board of Corrections and some of our non-profit partners and people know how they can help and how to develop that road map so it's more successful.

MR. BLANK: And has anyone from either your group or whomever is appropriate, reached out to the Department to ask what do they think are the helpful road maps.

MRS. BROWN: And I don't know if you've met Banci Tewolde yet. She's also – she's down with the Sheriffs Association today, she is the new re-entry coordinator that the Governor has appointed and she is working closely with the Department of Corrections and I think she will be the contact and conduit with you through the management at DOC.

MR. SOCAS: I am a Catholic and the priesthood and the Catholic faith has been involved a lot in prison reform and rehabilitation issues but I also was Catholic in a largely Episcopal area, and I know sometimes when people say Christian, they can mean Episcopal, that was my experience. When we say faith, do we mean all faiths, do we mean Christian faith; are we opening up these programs, are there Rabbis involved and people of all different faiths or can you just give us a feel for how that has worked out?

MRS. BROWN: I have not been involved in discussions about that role in the initiative of the Administration. I mentioned that only because that's what I've been doing in state government and I'll tell you how we have done outreach to the faith community in the past, not just with re-entry but across, workforce development, welfare reform, many, many issues, and that is that people of faith, whatever their faith, who want to partner with government to address the needs of their community, we have tried to establish those links and partnerships.

MR. SOCAS: So we've been totally open.

MRS. BROWN: For example, now, again, this is not in the new direction but I feel certain that there's going to be some sort of connection, I just don't know what that is or what that will look like. But we've been having – my role as director of community partnerships at Social Services in helping build lots of community coalitions around strengthening families, again, and re-entry was one of them, I have been meeting with a group of Catholic parishes, in fact, we meet tonight, that are interested in doing prison ministry. I have also met with the Baptist General Convention, and this is in my role at Social Services. I have been working with the Urban League in Hampton Roads on a

- *DRAFT* -  
- *For review and discussion purposes only* -  
- *DRAFT* -

conference that they have coming up. There's a support group in Hampton Roads – a support group for African American prisoners that are coming back to that community. It's called Our Sons and Daughters Support Group. I've been working with them.

I do have a passion for this topic. I've a 30-year career, as I've said, veteran of human services, started out at a local level, but I can tell you that for people who are state employees, and there are many of them in this room, who work because they really believe in making a difference, I say I'm a bureaucrat but never bureaucratic, and so I do have a passion as many of these people over here do for this topic and over here. I haven't met all these people over here. It energizes you when you see that you're working on something that really can make a difference in people's lives.

MRS. ALKSNE: And do you have any advice on what we can be doing to be useful as opposed to just meeting.

MRS. BROWN: I think I would advise to let – see what this roll out looks like, this vision and how it's going to work and I'm sure that people will be back to talk with you. Like I say, I'm on loan for 180 days and will see if they need me after that.

MRS. ALKSNE: Thank you, very much.

MRS. BROWN: And again, Marla Decker was very sorry. She really regretted she couldn't be here today.

MR. BRITTON: Do you want me to pick up here?

MRS. ALKSNE: It seems like a good idea, doesn't it? Mr. Chairman?

MR. PROFFITT: Go right ahead.

❖ **Recidivism Rates and Predictors of Success**  
❖ **Rehabilitation Matrix**

MR. BRITTON: Dick Hickman had mentioned recidivism rates, and I have one chart here that demonstrates. We take a look at releases and we follow them for three years, that's the standard practice for a re-incarceration-type recidivism study, and what we find when we look at our cohorts over time is a fairly steady rate. Now these numbers are running around 27, 28 percent. Dick had mentioned 28 and 29 percent. We have recently taken our new data system and we've looked at our data again and we see some difference, and when we recomputed our recidivism rate we find that it really was a little bit better. We had some lower-level offenders that were really local offenders mixed in with our population when we did previous studies, and when we pull those local offenders out and just look at state offenders, it's a little bit lower.

- *DRAFT* -  
- *For review and discussion purposes only* -  
- *DRAFT* -

But the recidivism that we would do for program evaluation effort would be a little bit different in that we would look at outcome measures including treatment participation, achievements in education or vocation, drug and alcohol abuse, and of course re-arrests and recommitment. And you asked about predictors for success, and of course completion of treatment programs we hope will be a very important one. And our studies indicate that, successful case closings and reductions in violations. So we could do a whole conference on recidivism but those are just two slides to answer a couple of questions.

MRS. ALKSNE: Just your knowledge over the years, and everybody in the room who knows -- you all know so much about this, what's your gut on what we can be doing better?

MR. BRITTON: Well, I think we're involved in some efforts that will improve our results, and they surround a term called evidenced-based practice. And as you know in the medical profession for hundreds of years we've done studies. We even have many, many meta-analyses, and we now have protocols the doctors follow because they know that they work. The only question is does the doctor comply with the protocol properly. Does he use the right practices? Well, the same thing now applies to social sciences. We now have a meta-analysis that we particularly like from the Washington State Institute for Public Policy, which tells us which treatment programs work with offenders. And so we are implementing this on the institutional side of the house, and Scott can address that, and we are also implementing these practices on the community corrections side of the house in our District Offices, and using these protocols, the meta-analysis tells you you should have better results, so that's what we should be doing.

MRS. ALKSNE: Do other states use these protocols?

MR. BRITTON: Yes. If you talk to most states, they will talk to you about implementing evidence-based practice. Now every state might have a little bit different model, and again, if you want a presentation on evidence-based practice, we'd need some time on time that but it is quite detailed -- our approach is quite detailed.

MRS. ALKSNE: Where do you think we can go to if we're at 20-some percent, depending on how you calculate it? What's our goal?

MR. BRITTON: Well, a recent study that Washington State did indicated that their population had gotten progressively higher in risk, so when they tried to answer that question for their state, they said our results have been a little bit positive, but they have not reached the level that we wanted, and we figured out that it's a risk -- the rising of risk of the people that they're working with, so I don't know the answer to that question, what we can get to. We're pretty doggone good right now, and of course, the stats that I showed you don't include any violations on out of state, so we're probably a

- DRAFT -  
- For review and discussion purposes only -  
- DRAFT -

little higher than what I showed you, but we just don't know. But I don't want to really give a guess on where we can get. But certainly, we haven't implemented evidence-based practices fully. We're in the infancy of that project, and I would say that there should be improvement, significant in terms of dollars saved.

MR. SOCAS: Mr. Britton, can you just comment on whether the data shows if you go out past three years whether the statistics of folks coming back in changes a little bit. I thought it crept up.

MR. BRITTON: It would continue to rise.

MR. SOCAS: And is part of that – and this seems is contrary to what you'd think, but is part of that that the sex offenders tend to end up showing up in the system later than you would – I'd think those folks would come right back in but in fact I thought some of the data showed they showed up a few years later.

MR. BRITTON: I think you're correct that they will come back and as was mentioned earlier, initially they come back for a different offense, but when we look at our supervision of sex offenders, they do very well under supervision but once they get off of supervision...

MR. SOCAS: What is the four-year data? Do you know, roughly?

MR. BRITTON: I don't know that we've computed that.

MRS. ALKSNE: It may also be with sex offenders it takes longer and it's more difficult to prove the case than your average burglary.

✓ REV. PAIGE: I just want to make a quick comment. One of the things we are asked to do as a Board of Corrections is to monitor the activities of the Department and its effectiveness in implementing the standard and goals of the Board. And I'm getting – I'm setting here today and I've heard so many uncertainties when it comes to evaluation just to the subject of how we're doing, how we are evaluated. I had experience with the university where what we had to do was create an instrument that the Board received that would tell us drop outs, arrests, spend – that would tell us all kinds of things so that we had some kind of instrument. I think at some point we have to have some kind of consistent measures...

MR. BRITTON: Indicators.

REV. PAIGE: Yeah, indicators, something that we can look at and first of all, we can develop it and then look at it and say okay, every time we come to a Board of Corrections meeting, we want to see these things.

- DRAFT -  
- For review and discussion purposes only -  
- DRAFT -

MRS. ALKSNE: You know, what we have at the public elementary school, which is something like that, is a school improvement plan that happens at the beginning of the year and we set five goals for the school, and how we're going to try to meet them, who's going to be responsible for them, and then that stays blank and every six months there's an update. It's a simple instrument but it forces people to sit in a room and talk about what the goals are. When I first starting doing it, I thought, well, this is a big, fat, bureaucratic waste of time. And over the years, I realize it actually focuses people's attention and provides some accountability and some lessons learned. Because the good thing to do is set a goal that maybe you can't meet but that you need to reach.

MR. BRITTON: And we have several systems in place. We have a strategic plan that's associated with our budgeting process...

REV. PAIGE: That's it.

MRS. ALKSNE: Well, who knew?

MR. BRITTON: There are performance measures. I think the last count I had was at least 24 performance measures. So certainly, that information is available. It's been on Virginia Performs website, the state website, for several years. There's also an internal strategic plan that Mr. Broughton can talk about. It's kind of a work plan...

MRS. ALKSNE: Right. That exactly it.

REV. PAIGE: That's it.

MR. BRITTON: We have performance indicators and targets in that. So that information is available to you. And in addition, with the major initiatives like evidence-based practices, the PREA initiative and what not, we certainly have progress indicators with that. So I think we can meet your needs with some of that.

✓ MR. BLANK: Would someone mind emailing us a link to the Virginia Performs and email us the internal strategic plan.

MR. BRITTON: Yeah. I'll get with Barb and we'll make sure that happens.

MR. BLANK: That would be great.

REV. PAIGE: And see, I just want to say this and not prolong this, I know it may sound as though we're kind of picky, but if you don't know what's being measured, what kind of goals, what kind of objectives, it's almost as if you're interrogating people. When if we knew what the measure was, if in the package that you sent about the meeting that you sent or even if you could just click it and see, then we – a lot of these amateur questions would not be asked and it's important because you don't want



- DRAFT -  
- For review and discussion purposes only -  
- DRAFT -

to seem as though you're questioning whether or not the staff is doing what they're supposed to be doing, but if you don't that those instruments or measure are in place and how to access them, so that will help us solve number three.

MR. BRITTON: Yes, and those are excellent questions and will be happy to get you in touch with that information. And we will move on to Scott Richeson.

MR. SOCAS: Can I just ask you one question because I know just having gotten some of your stuff, I know you're very thoughtful on these things. What if, putting aside the current strategic plan and some of the operational things which are super important, if you were to look across what you've seen either other systems doing or your observations of the Department, what would you say is the one metric that we should be thinking about in terms of measuring whether we're achieving the mission or not achieving the mission here.

MR. BRITTON: Well, I think your outcome measures, certainly re-arrests and re-commitment. I think as our data system helps us learn more about ourselves, and that's what's going on right now, we have a new data system and for the first time, I just told you, I'm looking at different numbers. I count it a different way. And so in five years, we'll be able to tell you a little about what program people were in. Couldn't tell you that previously. And so maybe in the future we will add to those outcome measures indices looking at the first 30 days that somebody's on the street. That's critical. Every study you read will tell you that that the people that don't get that place to stay and don't get some kind of employment, perhaps aren't seen enough, they're the ones that are going to come back, so those are the kinds of things in the future that we'd like to do.

MR. SOCAS: Thank you.

#### ❖ Prison Behavior – PREA

MS. RICHESON: Good afternoon. My name is Scott Richeson, and I'm Director of Programs on the prison side of the house, and I'm here to talk to you about PREA. I heard you had a presenter earlier from the Vera Institute that did talk about PREA?

MRS. ALKSNE: Just a teeny, weensy bit.

MS. RICHESON: Do you all know what PREA is. That it's a law that was enacted in 2003 by Congress. In this handout, there is actually some section of the law quoted so you can see exactly how they define prison rape. It does cover about every sexual act or type of contact that you can think of, so everything is covered under PREA. Consensual acts, non-consensual acts, anything related of a sexual nature between offenders and offenders and offenders and staff are covered. The goals of PREA are to establish zero tolerance standard for prison rape; to make prison rape prevention a top

- *DRAFT* -  
- *For review and discussion purposes only* -  
- *DRAFT* -

priority; to develop and implement national standards; to make available a lot more data, like you were just talking about, for the DOCs to collect that data; to set up standard definitions for data so that across the nation, when they look at data, they can determine if they're talking about like types of incidents; to protect the prisoner's rights, their 8<sup>th</sup> amendment rights, and to increase the efficiency and effectiveness of expenditures.

MS. RICHESON: In this packet, if you want to look through it, I've included there are some quotes that have been setting case laws and that Congress has said that had to do with the importance of why PREA should be implemented.

## **History**

What I would like to do is take a little bit more specific time and talk to you about PREA in the Department of Corrections. There is – the speaker this morning said that there has been a commission, under the Department of Justice, who has been developing standards that will be promulgated throughout the country and the DOCs, the states, really, will be required to comply with PREA or they will lose their federal funding. The standards, after they were developed, about six months ago went to the U.S. Attorney General. The Attorney General has one year to look at them to consider whether he will make them – actually issue them as requirements for the states. When the commission was developing the standards, they heard from a lot of speakers, they did a lot of research, they talked to a lot of victims. They did not talk to a lot of Corrections people, so unfortunately, there are some standards that make a lot of sense. There are some other standards that are really high burden on our agency, so I really wanted to take the little brief time I have today to make you aware of that.

## **Safety and Awareness: Training**

If you look at this black and white sheet before you, the things that PREA really helped with, in Virginia, we have an extremely – you probably know we have a very safe prison system. For a long time we have operated with a zero-tolerance policy for sexual assault, so this was not a new thing for us. We were well postured to comply with that aspect of it, but it did help us raise awareness, both among offenders and all the correctional staff, to really help focus on that more. PREA really puts the burden on detecting sexual assaults, and we have always done really well once it's detected.

We do well with reporting and we do well with investigating and prosecuting people but this really puts the burden on everyone that works in the system to detect it, to go out of your way to look into cells or wherever you are and make sure that there is nothing going on. So that really heightened that. Increased awareness, Anthony Ford is our PREA trainer, he's in the back corner, and he's developed some really good PREA curriculum that we give to staff. Staff and contractors and volunteers receive it, at initial orientation to the department, in their basic skills, at in-service training that's

- *DRAFT* -  
- *For review and discussion purposes only* -  
- *DRAFT* -

done every other year, and our Deputy Director has mandated that at every staff meeting within the prison system that PREA be discussed, to constantly remind people that we have this obligation.

MS. RICHESON: Also, increased awareness to inmates. All inmates go through a training program. They receive a pamphlet. A hotline has been established, where inmates can pick up a phone in their housing units and dial a special number that goes directly to our Inspector General's Office, so they have a way of reporting, if they feel they have been – had a misconduct towards them, they can report it outside of the prison. They don't have to go through the prison chain of command, although they also can report to anyone in a prison and it doesn't have to be their direct supervisor. So that's been a benefit.

### **Federal Grant**

We did receive a federal PREA grant. John Britton's unit applied for that. It was a \$1 million grant. That grant did pay for some of our training curriculum. It also paid for increased surveillance equipment in the female prisons, so that has now been installed. We have implemented a screening process for inmates, before they are placed in a double cell, to determine if they're suitable for a double cell. That we will look at incidents of if the offender has formally been a victim of sexual assault. If they seem vulnerable, for example. They have mental health issues or they're young, and we compare them just to make sure that we aren't putting them in a vulnerable situation. When CORIS rolls out, we'll actually have a side-by-side form where the housing unit officer will pull up the two inmates who will be housing together and make sure that they are compatible. So we will be able to roll that out with CORIS. So we're looking forward to that. That will help.

As I said, we have always done really well in our system with trying to prevent other illicit behaviors because the correctional systems that seem to have high incidents of sexual problems in prisons have other problems. They have more gangs. They have more violent behavior. They have more unrest. They have low staff morale, so when you run your prison system safely, you're helping to prevent sexual assault. We have mental health staff who identify and monitor inmates that have a history of sexual abuse just to make sure we keep a close eye on them. Sexual aggressors, that we know about, are identified and monitored, and we also try to track – there are some inmates that tend to be more manipulative in that area and it's kind of hard to put your finger on but when we can identify those, for example, they'll manipulate staff into relationships, and we have tracked those as well.

MRS. ALKSNE: Once we have identified somebody, I see here aggressor identified and managed, have we prosecuted some of those people? How many prosecutions have we done?

- *DRAFT* -  
- *For review and discussion purposes only* -  
- *DRAFT* -

MS. RICHESON: I can't tell you how many prosecutions.

MRS. ALKSNE: Is it a lot?

MS. RICHESON: Of inmates that have. We prosecute whenever we can. It's really up to the local prosecutor, but our Wardens always and our Inspectors always take the case to the local prosecutor if they feel they can.

MRS. ALKSNE: We are pushing that.

MS. RICHESON: Yes, we are pushing that. And we also prosecute staff. Our procedures are if we can identify staff who have had sexual misconduct to the degree that we have that amount of evidence, we put the full force of the HR policies into prosecution. And we have had a couple of incidents, thankfully not very many, but where staff have been convicted of a felony.

MR. BLANK: Since you've started tracking, have you seen an increase in the...

MS. RICHESON: We have not. We really are just moving into tracking more, but we have had a low rate. We have not seen an increase although there has been that discussion that as we are more observant, then we might actually do better and our rates might go up because you're discovering more that before might have been under the carpet. So it's going to be difficult to really how do you determine success.

MR. BLANK: It's very difficult. Especially even then -- even if you're catching it more, the rates could be increasing but your monitoring is decreasing so your population may have an increased tendency to do it but your vigilance in terms of observing brings it down and keeps it at the same level. It's a hard statistic to...

MS. RICHESON: It is. And that's -- you were talking earlier about evaluation. Of course, that's why all evaluations are complicated, because there are so many different variables that play into anything, really, that's evaluated. But that's a good point. So, we can -- a Warden who actually is doing a really good job in flushing it out might look bad. But we are dealing with it to the full extent that we can. Yes, sir.

MR. WASHINGTON: Would you elaborate on you said you increased the surveillance cameras for women.

MS. RICHESON: We did feel it was more important -- in terms of talking about some things that we're challenged with, I was going to talk more about surveillance equipment, but we do not have funding for the amount of sight supervision that PREA wants us to have, but when we did get a little funding, which was this \$1 million grant, we thought it was a priority to put it in the female prisons. So the way the prisons are designed, you all may know, it's pretty impossible to provide constant sight supervision

- *DRAFT* -  
- *For review and discussion purposes only* -  
- *DRAFT* -

to every inmate all the time. There are hallways, there are stairs. In housing units where we have one officer to 90 inmates, they're going to be roving around. So the cameras are really back up for that. So that's why we focused on the female prisons. So we feel that we've plugged the essential holes in supervision there. Does that answer your question?

REV. PAIGE: Not for me. Why female and not male?

MS. RICHESON: Well, the male facilities have cameras as well, but we feel that we wanted in particular at the female facilities to really make sure that we have a higher duty even to protect them. Because the women are sometimes more vulnerable to sexual assault. That's where we have had more of our problems.

REV. PAIGE: From other women?

MS. RICHESON: Well, from other women and from staff.

REV. PAIGE: And from staff.

MS. RICHESON: Yeah. The couple of incidents that we have had that have been in the paper have been with female inmates and staff. It can happen either gender but...

REV. PAIGE: Absolutely. But that's one of the problems of our culture.

MS. RICHESON: Right. That's true. And it does happen with the men. That is true.

MR. BLANK: Is there video monitoring of all square footage?

MRS. ALKSNE: Not the bathrooms.

MR. LEININGER: No, not all square footage. High-traffic areas.

MS. RICHESON: Ask about how much video monitoring is in the prisons in terms of square footage.

MR. BLANK: It's not the whole thing. There are places where you are blind. Is that just a financial...

MR. LEININGER: It's a funding issue. If you talk to any Warden, they'd have an eye on every square inch of that place.

MS. RICHESON: Let me get to the second page. We have a figure for you, a cost figure. Unfortunately it always comes down to cost, doesn't it? All right, just finishing out the way that PREA has really been helpful to us and we are well postured to

- *DRAFT* -  
- *For review and discussion purposes only* -  
- *DRAFT* -

implement it. We do take -- sexual victims are transported to the local hospital, and we do the forensically correct medical exams are done there, the PERK kits, those kinds of things. And then we talked about the professional protocols for investigations that our Inspector General's staff follows. And then we already talked about staff being prosecuted.

### **PREA Burdens**

MS. RICHESON: Okay, so if you turn over to the back, these are the ones that are more burdensome to us where we feel that the commission, the national commission, did not really understand what it's was like to run a correctional agency. There has been a movement among the national correction director's association as well as individual states to compile all this information into one packet and send it to the U.S. Attorney General so he understands what the huge impacts of this would be, because we feel that some of these are ignorant. They are not things that can really be implemented realistically.

One of the problems is PREA prohibits cross-gender pat searches. Currently, we have a lot of female correctional officers that work in male facilities. It would be very burdensome for us if we have to have a rule that only posts that search inmates or have contact with inmates were male for male and female for female. The costs that we have -- and the other issue, too, is an HR perspective that that violates really a lot of the Fair Labor Standards because one way in the prison system that you get promoted and advance your career is working various posts and having various experiences, so that would pretty much tell female correctional officers you can only work a tower out in the ball field versus working in a housing unit, so we're opposed to that. We estimated that it would be \$2.5 million were we to have to implement this requirement of PREA.

The next bullet is constant sight supervision that is required. If we were to have in our dormitory facilities, like your Dillwyns and your Indian Creeks, constant sight supervision, this would cost us about another almost \$5 million - \$4.84 million. What we currently have is one officer that's in the control room that looks at two dormitories and two housing units on either side and then we have one officer that roves back and forth. So if we had to add those officers to make up that position, that would be that amount of money.

Constant sight supervision required in celled facilities, like Buckingham and Greensvilles, if we were to do enough cameras and enough staff to take care of that, it would be almost \$40 million. So, when we were talking about why we can't do that everywhere, that's what it would cost. And if you know how they're designed, you'd constantly be having someone looking in every cell, and there's no way you can do that. PREA also requires a senior, full-time coordinator. That's less money but just to make you aware that that would be a position that we would need to add to the Department. About \$85,000 a year, we estimated.



- DRAFT -  
- For review and discussion purposes only -  
- DRAFT -

To continue the training that we're doing would be about \$750,000. That would include training more of the contractors and the volunteers as they join us. PREA also requires us to contract with outside victim advocates, so that the inmates could call, without going through us, could call a rape crisis center on the outside, and that policy-wise has not been a way that we want to go because we do have mental staff and we can provide our own counseling.

MRS. ALKSNE: Plus, it would be everybody's favorite thing to do.

MS. RICHESON: Right, yeah, you learn that there's a female on the other end and... So, we're not even sure policy-wise if we wanted to do that but if we did, that would cost us about \$250,000 to have contracts with all the prisons with all the local rape crisis people.

One thing that PREA requires, too, is an audit by an outside contractor of each prison every three years, and there are over 50 standards that we have to keep data on and that the auditors would come in and look at, and then the Governor has to certify each of these audits, that we are in total compliance with them, for us to continue to get our federal money. So to have this outside auditor come in and re-audit what the ACA has already done, is essentially a lot of what they'd be doing, we estimate that would cost us about \$250,000 a year – I'm sorry, \$410,000 a year.

We mentioned the side-by-side inmate cell partner screening process, which we are going to go to, and we estimate that could be another \$2 million a year for the staff that are needed to actually monitor and make those decisions.

We do have – PREA does require that all, not just the prisons but community corrections and all of our contractors, comply with these standards. So that means a residential group home, like Jane was talking about with pre-release, the jails, if we have contracts to return inmates to the local jails, they all have to comply with this. So we expect any associated costs we have with them, any costs, they're going to pass on to us. So where they have to comply with PREA, we're going to have to eat these costs. And we also anticipate that we will have to provide them with a lot of technical training assistance, we would probably send Anthony out to train them to train the trainer, so we figure that would be about \$500,000 just for the training.

And then one thing that's a biggie, too, the last thing that I'll mention, is increased litigation. We said this would be about \$5 million. This was just a guess. But one thing PREA does is you may be aware now that the law requires inmates that want to sue us have to exhaust administrative remedies. They have to go through the grievance process. And PREA exempts that. So any inmate could immediately, I think it's after two days, 48 hours, can automatically file a lawsuit, so that could have costs for the Attorney General's Office as well as for us.

- DRAFT -  
- For review and discussion purposes only -  
- DRAFT -

So there's a good and a bad to PREA. So all this is being kind of battled out with the U.S. Attorney General and we're hoping that they will modify these that are problems. Because it is a really good law. Well, unfortunately, the way they have written some of this is overkill and it kind of shoots the law in the foot, but if they could keep it reasonable for things that corrections can do, it has a great goal.

MR. SOCAS: These are what – what is being modified are the standards that have been promulgated because of the law? This doesn't require changing the law?

MS. RICHESON: Right. Exactly.

MR. SOCAS: It's just a revision to the standards, and the Attorney General can – that's within their jurisdiction to do. Okay. So there's hope that you might not have to do this.

MS. RICHESON: There's hope.

MRS. ALKSNE: The Attorney General is a very practical person.

MS. RICHESON: Good. That's good to hear. We are hopeful. Are there any other questions? Thank you.

MRS. ALKSNE: Thank you.

MR. LEININGER: I see you have one other person in that category, that's Paul. Hey, Paul. You're up.

MRS. ALKSNE: Just so everybody knows, when we were trying to figure out this retreat, Mr. Broughton is the one who said we'll handle it, we'll take care of it, we'll set it up, we'll everything, so kudos to him.

MR. BROUGHTON: Well, I hope it's all gone well so far.

MRS. ALKSNE: It's been great.

#### ❖ Attrition Rates Among Staff/Officers

MR. BROUGHTON: You had asked about attrition rates with staff, so I thought I'd just give you a five-minute briefing on workforce information with the Department of Corrections. The first real slide has a graph there. The top line is the APL, which is the authorized position level, and it shows it from 2001 up until the present time, how it's gone up and down. We've been on a real roller coaster ride with the cuts back in 2002 and 2003. Then we built new prisons at Pocahontas and Green Rock, so that's where

- *DRAFT* -  
- *For review and discussion purposes only* -  
- *DRAFT* -

you see the increase there in fiscal year 2007 and 08, and then the last two falls, we've had decreases of 725 FTE in 2008 and then another 450, basically, last fall. So, that's why it's gone up and down. The red line is our fill rate, so you can see that it's tracked pretty constantly with our authorized position level. Our present APL is 12,369, and we have 11,826 filled.

MR. SOCAS: Is that a budget gap – is that part of timing to try to make up for some budget dollars or is that really we just can't find the people to fill the spots.

MR. BROUGHTON: A large part is budget gap. We have to keep a certain number vacant.

MR. BURRELL: Is that part of the closing of facilities?

MR. BROUGHTON: Well, some of the times – sometimes we hold positions when we know we are going to be closing something, so sometimes our lower fill rate is a reflection of our own desire to keep more jobs open so that when we do close something, we can place everybody, and we've been very, very successful again in doing that any time we've had to close things. Last fall, we, with the 450 positions, I think we only actually laid off 18. We gave another group who wanted to leave waivers, but for the most part, people wanted to stay with us if we had jobs.

MRS. ALKSNE: It's really an impressive statistic the way you guys handled that.

### **Our Workforce**

MR. BROUGHTON: We done good. We done good there. The next slide just I thought you'd be interested in sort of what our workforce looks like. As you can see, corrections officers make up 65-75 of our 12,000 number, so they're over half of our staff are just corrections officers. And they're ten times more than the next level of positions, which is our probation officers, closely followed by our sergeants. So you can see, we are heavily weighted in the security area, which you would think we would be with the number of prisons we are operating.

### **Filled/Unfilled Security Positions**

Just looking at corrections officers and security, I wanted to give you where we are. This is March 31 data. We've got just about 92 percent of our corrections officers filled with just over 8 percent vacant, and we've got totally in security, which is from corrections officers up through major, up through the security chief, we've got 92.5 percent of those positions filled. So that's a little more than we'd like to have vacant but we're in the process of sort of re-going – one of the things that Mr. Jabe likes to have is he wants as many corrections officers on board when the season gets hot so that we're ready for anything that happens at that point in time.

- DRAFT –  
- For review and discussion purposes only -  
- DRAFT -

### **Male v. Female**

Scott mentioned our number of female corrections officers. I just gave you an overall view of male versus female and how it's changed since 2002 to the present. Our female staff has increased not quite 3 percent in the last eight years. This has been a long trend for us to have more female staff. We do have a couple of male facilities where we have almost or more female corrections officers as we have male corrections officers. The good side about that, and I think the Department can be proud of, is that for years we have been a leader, I think, in letting females in – or females going into traditional male jobs, and that's a very positive thing.

### **Race Within the Department**

When you look at race within the Department of Corrections from the last 10 years, it's been really very stable. Not big changes, very slight decrease in white employees, a very slight decrease in Afro-American employees and a very slight increase in Hispanic employees. Still a very small number of Hispanic employees, and I think as we go forward, one of the things we'll be doing is reaching out more and more to that community to bring them in, so that's an additional resource for us to tap from a manpower standpoint.

MR. SOCAS: Why is that partly attributable to people know folks in the system and do the networks tend to build that way? I'm not saying that in a negative way. I think that's just how life is.

MR. BROUGHTON: I think that is particularly true. And the more rural the area, the more true that is, and we have looked at reaching out to Hispanics. We've made some strides there but it's been slow. I think it's one of those things, as it gets momentum, it will keep building.

MRS. ALKSNE: This is a tad out of left field, but what percentage of the inmates are by race. How does that match up and what percentage speaks Spanish as their first language.

MR. BROUGHTON: I don't have that but I can get that for you. But one of the things we do know and we actually do some teaching of Spanish, but we also know it's to our advantage to get more Spanish-speaking employees to help us with that.

MRS. ALKSNE: Is that a growing population or stable, do you know that, off hand?

MR. LEININGER: Population by race?

MR. PROFFITT: It's on page 12.

- *DRAFT* -  
- *For review and discussion purposes only* -  
- *DRAFT* -

MR. BRITTON: We had 2.7 percent in 2009, and 56 percent African American in 2009 and 41 percent white.

MR. SOCAS: What was the Hispanic population?

MR. BRITTON: 2.7.

MRS. ALKSNE: But that could be – but that doesn't break down by language, right? I mean it's 2.7 but that could be...

### **Age Within the Department**

MR. BROUGHTON: I assume you could have Spanish, you could have whatever they speak. The next slide is just to look at our age, and I was very heartened by this because between 2002 and 2010, the average age has gone up about two and a half years, so I figure I've only got 2 ½ years older in the last eight years. But it is continuing to grow, and I think that's a reflection of the baby boomers. So that's the top line is our average age of employees. The other two lines are the average of our corrections officers and the average of our probation officers, and I personally find it interesting that they're about the same, but you would think they would be younger than our overall average age, because that's the beginning class for people coming in but that's also been growing.

When you look at our age groups, there have been some changes in the last few years. The 41-50 year old group is still about the same percentage it was in 2002. But the 21-30 year old group has actually declined, and that's been made up in the 61-70 year group. This thing is almost like a mirror when you look at it. And then the 31-40 has declined, and that's been made up in the 51-60, so it just shows that the population of our employees is getting older.

### **Longevity**

I thought you would be interested in looking at how long people have been with us. So this first, to the far left, is five years or less with the Department. The blue line is the VALORS employees, and that is basically your security staff in your institutions and your probation and parole staff, up through Chiefs, in your community. And you can see that over 45 percent of the VALORS staff has been here five years or less. And we were talking with the Wardens and Superintendents about this last week. That means we've got inexperienced staff, to a certain degree, out there and so that is something we are very aware of but it's...

MR. DECKER: Does that include probation officers?

MR. BROUGHTON: Yes.

- DRAFT -  
- For review and discussion purposes only -  
- DRAFT -

MR. DECKER: They're the ones with 120 files when they should have 60.

MR. BROUGHTON: Yes. You've been talking with Mr. Camache. So, the one thing I do want to point out about this is the second group, there's between 6 and 9 years, so that's a four-year period rather than a five-year period, so that dip is not quite as bad if you have a five-year period in there, but it still – it goes down, so it's just a huge number of employees have been with us five years or less. So, that's sort of a background of what our workforce looks like.

### **Turnover Within the Department**

This next slide shows turnover, and I've given your turnover for the years that ended 07, 08, 09 and then our year to date. And the good news for us is it has been steadily decreasing. And we've gone from about 15 percent in 07 down to, year to date, down to 9.31 overall for our employees.

MR. BURRELL: Probably because of the job market.

MR. BLANK: Is this per month?

MRS. ALKSNE: No, it's year.

MR. BROUGHTON: The good news is the economy makes us an employer of choice in more places. What we talked to about with the Wardens was that our challenge with the economy is going to be when it turns around, hanging on to the employees that we have. Our history has been if we can keep employees a year, then they'll stay, particularly corrections officers. They'll stay a longer period of time. So we've talked a lot about engagement with our Wardens and Supervisors; how we can get our employees engaged in what we do and engaged in employment so that they'll want to stay with us when the opportunities are out there.

REV. PAIGE: I would imagine that the wars have had an impact on your staff, too.

MR. BROUGHTON: The wars?

REV. PAIGE: Yes.

MR. BROUGHTON: We've had a number of folks that have been called up, and then that creates another issue for us because you have to hold their jobs for them until they come back, so you're creating some shortages there as well.



- *DRAFT* -  
- *For review and discussion purposes only* -  
- *DRAFT* -

## **Succession Planning**

Succession planning sort of goes along with attrition and I thought you'd be interested in seeing what our future looks like as far as the potential there for retirements. With our VALORS employees, again the Chiefs and the Deputy Chiefs, they only need 50 years of age and 25 years of service to retire with an unreduced retirement. The rest of us need 30 years and 50. So right now with our Executive Team, 53 percent of our folks could leave with an unreduced retirement, so it's a, as you can see, there's a huge potential here. The good news is that everybody doesn't walk the minute they can. And they're a lot of us in this room who are past that 30 and 50, of course I wouldn't be one of them, but it's the 50 part – because people are committed to the Department, they're committed to their jobs, and they stay longer than that. That is the good news there. But it is an issue for us.

We've recognized that for five or six years that we really want to get in front of succession planning, so one of the things we've done is establish a LEAD Council to work with ACA to look at the management leadership competencies that you need to take on leadership roles, to bring in ACA to do leadership training with our middle managers so they'll be ready to step forward to go into senior management when those positions are available. We continue to do training with our senior managers. We had a senior management institute here last week for two and a half days. Brought in all of the Chiefs, brought in all the Wardens, Regional Managers, those sort of people and talked a lot about how we can create a culture of accountability within the agency and what that means as a leader. So we've done a lot. We've looked at our leadership as it relates to first-line supervisors and bringing them all, within 30 days of their promotion to a new supervisory role, bring them in and do a two-day thing just to get them changed over from being line to being supervisors and understanding the importance of listening and what the rules are and knowing things like that. So we really have taken it really seriously.

## **Training**

And then we do ongoing training with our employees. In-service is required through DCJS for all of our security staff. We also do in-service with most everybody else gets in-service every year or so. It's an ongoing development of an employee because if you look at the Vision Statement, one of the things we say is we want the Department to be a place to – where you develop and it's satisfactory, and I think that's one of our Goals. So, I'm open to questions.

MR. SOCAS: One thing on the retirement you might suggest to people is if you look at the chart on where you guys are weak right now, it's in that 81 plus employee category and you might set as a goal to fill that bucket.

- DRAFT -  
- For review and discussion purposes only -  
- DRAFT -

MR. BROUGHTON: Well, some of us are working on getting there. It just takes a while.

MR. SOCAS: Get Mike signed up for that commitment.

MR. LEININGER: I would say John Jabe.

### **Changes to VRS Affecting New Hires**

MR. HALL-SIZEMORE: Paul, you might want to talk about and let the Board know about the new changes in the VRS, particularly the contribution rate for new employees and what that might mean for the Department.

MR. BROUGHTON: You always hate to have multiple things out there that handle some employees one way and some another. We've got that with our sick leave program. We've got a bunch of people under a traditional sick leave program. Everybody else is under the Virginia Disability Program. And we're now going to have the same thing with retirement where our current employees, their retirement contribution that's made to VRS the state pays for that.

Come July, the state's no longer going to pay for the employee's contributions. Mainly they're going to have 5 percent of their wages go toward retirement. Well, that's a big hit. That's stuff you don't have in your pocket. That's stuff you can't take to the grocery store and things like that. The thing that concerns me about it is not only are you going to have some people – they're going to look at somebody else and say well, your take home is much better than mine even though we're making the same salary. But it's going to put us in a weaker position in attracting employees. So I am concerned about that. I understand the need to balance the budget but it doesn't help us. Our biggest competitors are the localities. They tend to pay more than we do, particularly if they're in an urban area, because they can take what the Comp Board gives them and they can supplement it. So in Southwest Virginia, we're the employer of choice. In the Richmond area, we are not when it comes to our institutions or our probation offices.

MR. PROFFITT: Paul, you're exactly right. Because I know the first year I was at the regional jail in Orange, all of us paid our five percent. And then the following year, I convinced the Board to go ahead and pick up this five percent. Of course, that's a net dollar for dollar increase in the pocket, and you wouldn't believe the lift in morale that it had on all staff simply by the jail agreeing to pick up that five percent and so, you're right, from the inverse, I hear exactly what you're saying.

MR. BROUGHTON: It's just going to be difficult to do. Anything else?

MRS. ALKSNE: Thank you.

- *DRAFT* –  
- *For review and discussion purposes only* -  
- *DRAFT* -

REV. PAIGE: You done well.

MR. BLANK: Yes, thank you.

MR. PROFFITT: We are at Emerging Issues.

MRS. ALKSNE: We have technology and green.

MR. LEININGER: We are about on time.

MRS. ALKSNE: Love being on time.

MR. LEININGER: Of course, we're about to bite the bullet now with Rick.

MR. DAVIS: I did not make my copies in color and they're back and front, so I'm trying to be green here.

MRS. ALKSNE: Good for you.

❖ **Emerging Issues for DOC**

❖ **Technology**

MR. DAVIS: He's already hears this spiel. Well, good afternoon. My name is Rick Davis. I'm the Chief Technology Officer at the Virginia Department of Corrections. It was interesting earlier talk about her passion in returning folks back to society. I have to tell you my passion is technology. I'm a self-professed geek and dweeb. I just love being able to get out and talk about technology. I know it's not everybody's thing but it's something I certainly enjoy. I am so excited to be able to talk to you all about a major technology initiative at the Department of Corrections in Virginia CORIS.

**Technology – Then and Now**

Now, I've talked about being able to use technology let's see if I can do this right. Let me tell you how our journey started. Back in the year 2004, 2005, we looked – we really did take a hard look at ourselves at the Department of Corrections, and we looked at our applications that we used to manage offenders and what we found, quite truthfully, it was not a pretty picture. We were using some pretty dismal applications at the agency. We had two mainframe applications that had been used, literally one of them, since 1978. And we had a number of other applications, as many as 20 of them, that had sort of offender management information in it.

Now, when we looked at those systems, we found, in fact, that most of them were antiquated. I mean, the youngest systems were between five and ten years old with, again, OBCIS being the oldest at having been developed in 1978. The problem that we

- DRAFT -  
- For review and discussion purposes only -  
- DRAFT -

saw, especially as a technology professional, was that the underlying technology infrastructure was archaic beyond belief. In fact, I'll give you a quick example. OBCIS was built on a database platform created by IBM back in the mid 1970s. Well, they actually stopped supporting that database platform in the later 1990s. So we knew we were going to have to move off of it and find a modern technology. And I'll tell you with the workforce that DOC had in probation and parole, it wasn't feasible any longer to be able to work off of a mainframe application so we had to find something for the mobile workforce, something that would allow them to work on the system away from the office. So DOC purchased Virginia CORIS from a company called X-wave that has recently been sold to another company called Abilis, and this product was actually installed in two different states, in Maine and in New Hampshire.

MR. DAVIS: Now, we as an organization knew absolutely, undoubtedly that we had to change. We had to change both from a technology perspective and also from a business process standpoint. What we were doing back in the 70s and 80s was not going to work in the years 2000. So we knew in looking at those systems that they were in the danger of collapsing. We knew that the underlying technology was dated and it was no longer being supported. The absolute financial burden of maintaining those systems, it was to a point where we couldn't go back to DPB anymore and ask for more money. And I'll give you an example.

MR. HALL-SIZEMORE: You did...

MR. DAVIS: Well, we did. We tried. VITA told us to continue to support those mainframe applications was going to cost us \$1 million a year in computer support costs and obviously there was no appetite to be able to handle that kind of financial expense.

The other big problem, because we had all this offender management data in all these different systems, it wasn't easy to get to. Whether it was Mr. Johnson or Ms. Scott, they needed data. Sometimes, literally, they had to log into this system here, had to log into this system over here, or they had to log into this. I'll give you a quick example. Community Corrections, they use VACCIS for all their management of offenders that were out in community. Well, they had their own set of numbers and their own set of information there. Well, if that individual had just come from an institution, you had to log into that system over there. You had to log into OBCIS to get that data, and that same individual had to be entered into VACCIS. And sometimes, you know we do have folks that re-offend, they come back in and all that data had to be re-entered in all these systems again. We knew that was no way to run an organization. And sometimes we would get requests, whether it came from the Secretary's Office, the Governor's Office or the legislature for offender data, and my group, to get involved with that, we'd have to pull that data from all those systems and try to make some sense out of it. It was very difficult.

- *DRAFT* -  
- *For review and discussion purposes only* -  
- *DRAFT* -

MR. DAVIS: And finally, with all of these different systems, and in a minute I'm going to talk about Microsoft Access, folks out in the field were using Access, and so when new policies and procedures came down, it was very hard to get everybody to do things the same way because everybody was using different systems. This was a picture of what then looked like. That's what the picture looked like not too long ago. The two mainframe applications and all the supporting applications underneath of them, and then I put in red there the Microsoft Access databases. Every institution, every District Office had their own Access databases, and the problem with all of this, they were individual silos. Nothing talked to each other. Nothing. If you needed to get data out of one system, you had to get it and you had to aggregate it into something else.

That's what the picture looked like. Well, I'm excited to show this picture today. Because this is today. This is now. The Department of Corrections is finally on a single offender-management system. A system that can be used by other Public Safety agencies, a system that we can link into, when we're asked by the Federal Government, that we could get that data to them, some of our service providers and local jails and other folks that we deal with.

### **How We Did It**

So let's talk about how we accomplished this. Back in 2005, the project began and we started working on – well, first decision was made was who to bring up first, and Gary Bass is in the room and I am forever indebted to Court & Legal and Gary Bass, because he volunteered to go first. We probably took the most difficult component of offender management in sentence calculation and we brought that up first. A lot of states have been calling us and asking us why did we go that route. And we decided to take the most difficult first. And Gary and I laugh all the time, because I always say that Gary just started speaking to me lately. It was a difficult, difficult process to bring that up. So we did that in 2005 – 2006. In 2008, we brought up all of probation and parole onto Virginia CORIS, and we finished out that implementation in 2009 when we also brought up the Virginia Parole Board. We have the responsibility to provide systems for them and so we were able to retire their legacy application and bring them up. And finally in February this year, we got every institution on Virginia CORIS. So the first time ever, it's one agency and one system.

### **Compared to the Rest**

Now looking across the entire United States, I want to be able to say that we're the largest state and we're still trying to work out the numbers and all, we believe at this point we are absolutely one of the absolute largest states in this country to have a true integrated offender management system. And you know through this process we've been able to retire 11 of those legacy systems, including those mainframe applications that we've got, and all those Access databases out there that did offender management.

- DRAFT -  
- For review and discussion purposes only -  
- DRAFT -

I've got today 4,000 active users on the system. I'm not just talking about putting accounts out there. I'm talking real, live folks who actually log in and use the system every day. I've got numerous Public Safety agencies on there, including the State Police and the Attorney General's Office, and now that we've got a real system, I've been able to integrate. You know, we talk a lot about interoperability and integration, well, we're finally able to do that. And I've got some examples for you.

MR. DAVIS: First of all, with arrest notifications. In the old days when somebody was arrested and the State Police got that data, they would send it to us on a paper form, it would come to DOC headquarters, we would get the information and we would email the District Office so that they could tell the officer, you know, that somebody had been arrested. Well, now, and these are real, live stories, somebody will get arrested in the evening. We get a file about midnight from the Virginia State Police. We download it, it's all done systematically into the system, the officers come in at 7:30 in the morning, oh, look at that, Rick Davis has been arrested. And then that way they can follow up with the case on there. Having that interoperability is critical to today's public safety. Now I'll tell you something else. Yes, ma'am, I'm sorry?

MRS. ALKSNE: On this integration issue. We had a presentation before the Board two months ago of the guy who runs all of the inmate workforce, and one of the things he talked about was how difficult it was to find different people who knew different jobs. And Jonathan said, how do you find people? And he said, oh, I put up flyers. What's up with that, flyers? And we said to him, well, do we not know that somewhere in the system? Does the new system, will it punch out for him because of the intake information, this guy already knows how to do x, y and z, and that's an option. Is the system that integrated?

MR. DAVIS: Right, I mean we've got – the system right now, we can capture literally any kind of data element that we want. We were talking about earlier about we've got some additional phases that are left to input, I'll show you that in a second, some of that, some of that will be in upcoming phases that we're talking about.

MRS. ALKSNE: It's coming.

MR. DAVIS: It is all coming.

MRS. ALKSNE: We're not going for flyers...

MR. SOCAS: ...But when you arrest someone, you may not ask them if they're a bricklayer or whatever.

MRS. ALKSNE: No, but when they come into the system for a five-year period, you would.



- *DRAFT* -  
- *For review and discussion purposes only* -  
- *DRAFT* -

MR. SOCAS: But still, how would you know that? When I get arrested, how do they know if I can paint?

MRS. ALKSNE: You don't...

MR. DAVIS: During intake, that's when you record that information.

MR. SOCAS: I guess I don't see where you would record that. You could certainly ask any question you want, but today, that wouldn't seem to me that would be data that would be being recorded.

MRS. ALKSNE: Why wouldn't they? Because we're trying to get this workforce and we don't have it and we're classifying people, you would think in the process of classification you would ask have you had a job before? I mean, that's all part of figuring out where people fit in the system.

MR. DAVIS: Scott, do you know whether or not that's in the next release, if they're including that information...

REV. PAIGE: During classification...

MR. DAVIS: In the classification module. I would think so. That's our next phase of it.

REV. PAIGE: And education. It should be updated. Like, for instance, we were looking for a GED the other day.

MR. BASS: When they come into our reception system, we ask that data, but we haven't been able to input it into our database before, so it's in the file somewhere so we have no way of retrieving it unless you go through.

MRS. ALKSNE: Right, but once this happens...

MR. BASS: This will fix that. When we go through the classification process, we gather all that data and it will be in the database.

MR. DAVIS: I've got another example here. I've got here the log notes. The way probation and parole used to work was that folks had log notes; I went out and I saw an offender out in his job. I would write it down maybe in a notebook somewhere or I might put it in a Microsoft Word or Excel file or maybe an Access database or maybe even a file folder. Well, those are unsearchable means to be able to get to that data. Well, literally in ten months in Virginia CORIS we have captured 1.8 million log notes on offenders. Never did we ever think there was that much activity that was going on.

- *DRAFT* -  
- *For review and discussion purposes only* -  
- *DRAFT* -

And in fact, over a period of time, we're going to find this will probably grow even more and more.

### **Remote Access**

You know, we talked about the fact that we've got this mobile workforce in probation and parole. They're out in the field, they're working with the offenders out there. They've got to be able to access Virginia CORIS. They've got to be able to enter these log notes. We have a mechanism, a secured mechanism, which allows them to access CORIS from anywhere, anywhere in the world. And the best part of this is this system is up 99 percent of the time. The only time the system comes down is when we do software upgrades. With the legacy systems, the mainframe, they were only up 12 hours a day. That's pretty great.

### **Lessons Learned**

You know, never put – any time you put in a system, you always learn something out of the process. And we've learned a lot of stuff at DOC about putting in systems. First of all, change is hard. Anybody in here in the past year get a new cell phone? You get a new cell phone, you know what you go through. Could even be a DVD player at home. You get something new, a piece of technology, and it's always different. Always feels different. It's just a different way of using it. Well, imagine using a system for over 30 years. Imagine what some of our users had to go through. Change is very, very hard. And truthfully, not everybody wants to change. We had to ensure that folks had very, very good computer skills. In some cases, we might have thought they had some better skills than what they did. So we had to work with them on their computer skills. We had to train, we had to train, we had to train. We always say this. It's kind of our mantra. We can't train people enough on CORIS.

Another point there, we had to have some champions at each one of the institutions and each District Office, to help champion Virginia CORIS. We call them our point persons. We think that actually worked pretty good. We asked the field repeatedly to be patient. Be patient with the system, understand there's going to be bugs, and on our side, we had to be responsive. The technology people had to be responsive to the field. When they found problems, we had to get those problems fixed. That's why I said fix the bugs.

And finally, I can't say enough good stuff about the people in the back of the room. Because I tell you, our Executive Management Team, all the people in the back of the room. I know there was days that Mike and some of the other folks probably wanted to kick some of us out the door. But you know they were behind us 100 percent. And when you put in a new system, you've got to have people behind you to stand firm.

- DRAFT -  
- For review and discussion purposes only -  
- DRAFT -

Just to end here. Our journey with Virginia CORIS, it's not over. We've got three releases left this year to complete that will finish out the system, but the system doesn't end at that point. We are going to continue to grow Virginia CORIS. We've got already 125 system modifications that institutions as well as probation and parole would like to see made to the system. So we see this growing out. We see more involvement with Public Safety agencies and in fact, we're partnering with DCE to get some features put in the system. So, we're excited about the journey that we're on, and we look forward to enhancing it over time. Any questions? Yes?

MR. BLANK: One question that came up this morning -- one of our duties we were discussing was our review and commenting on the budget, and one question was timing and how do we get that information. As you can see, I've got a stack of paper that killed a bunch of trees today. I don't know if you-all have utilized it. In my world we use e-rooms all the time, where you have a centralized place, you could have a folder, just like a file-folder cabinet, call it budget information, you pop it in there, it's secure for just the Board to go in there, and it would be our responsibility, but it would be somebody else's responsibility to at least populate that, but if they're getting that information and could pop it in there, does the system have the capacity to do it. Is it something that would overburden you. Is it something that we could possibly utilize.

MR. DAVIS: Well, we use something -- have you heard of SharePoint?

MR. BLANK: Yes.

MR. DAVIS: We use SharePoint for something similar to that. For the sharing of documents. In fact, all of CORIS' project documents and the things we share out in the field, we use SharePoint to be able to do that. A database of information, it's just that. It's not really document management. And so, that's why we use other tools like SharePoint to do what you're talking about.

MR. BLANK: And I haven't used SharePoint a lot. With SharePoint, can you secure it to a certain subset of people.

MR. DAVIS: Oh, absolutely. You can set up groups and individuals that go into that group and then you provide the appropriate rights to it. You know, some people might be able to just look at it. Some people can add documents.

MRS. WOODHOUSE: What about outside people.

MR. DAVIS: You can grant outside people. The problem with that is they have to be able to get inside your network to do it, and so it's a little more challenging...

MRS. WOODHOUSE: And that's the challenge here, because they're not DOC employees. They don't have access to our system.

- DRAFT -  
- For review and discussion purposes only -  
- DRAFT -

MR. DAVIS: Any of that can be done. It just has to be set up and appropriately handled.

MR. BLANK: And then, I guess, within SharePoint because I've not used it that often, but you can – my recollection is you do a group, and then you can do it almost you're your regular manual file cabinet, you could have Board Minutes...

MR. DAVIS: Absolutely. That's what we do for this project. We have status meeting updates, minutes from it, I mean we have all the different folders and then we assign project team members to it. And then what we want the point people to have access to, we have certain folders for them as well, so that's how we ended up having SharePoint to do it. So the system doesn't really do that. We use SharePoint to do that.

✓ MR. BLANK: Can I burden you or someone to at least investigate how we, because we're outside, can do that for the purpose of helping us with data management. For example, while I appreciated all this paper and I like having it in front of me, having this on a website that then I could go back to would be very, very helpful.

MR. DAVIS: Absolutely. Absolutely. Because in theory, we should have just had a site for you all to be able to get to and just shown them to you on there. So, absolutely. Anything else? Thank you all for having me today.

MR. BLANK: Thank you.

MRS. ALKSNE: Thank you.

MR. LEININGER: Next would be Mr. Davis' best friend, Mr. Gary Bass.

MR. BASS: Well, I think most of my stuff was covered earlier.

MR. LEININGER: Out of state inmates.

### ❖ **Housing Non-State Prisoners**

MR. BASS: I was on the agenda a couple of times, mostly talking about the jails and the jail back up, and you've really heard most everything you probably want to hear about that. One point I wanted to make though when you're talking about the need to know what the jail's capacity is, other than their rated capacity, if you have a 500-bed jail that was built some years ago and they've got 600 inmates in it, you know, they're way over capacity. I've got a whole series of 500-bed facilities that now housed 1200 inmates, but now we've changed the capacity to 1200, so if I've only got 1196, the Director is giving me a hard time because I've got vacant beds, and so we do a need a

- DRAFT -  
- For review and discussion purposes only -  
- DRAFT -

level playing field for that. Because we just count them differently. When we put up a bed, we count it, we put it on the count and that is our new capacity.

### ❖ Relationship With Sheriffs and Jails

MR. BASS: We have a good relationship. It's not what you read in the paper at all. If you listen to the news. We get along great with the jails. We talk to them regularly. We support them regularly. Now, our population is backed up over 4,000 as the Director said. And some jails that hits harder than others, because some jails are more crowded. There are jails that are not crowded. I mean, I've recently had jails saying I've got all these vacant beds, you've got to help me out, and I've been sending them inmates. Now, they're starting to pull back now with the change in funding. When they were getting – one thing that wasn't mentioned about the change in the budget. Up until the end of June, I had 500 what's called jail contract beds funded. For many years we've had those. They were funded at \$28 a day, which is twice as much as the going rate for state responsible beds at \$14 a day. They were taken out of this upcoming budget. So I'm losing those 500 beds, and the jail is losing them because they utilize these beds – a lot of times they had offenders they needed to keep or wanted to keep for various reasons, and we could keep them in that jail and it would save me from having to bring them into the Department and it gave them some additional funding to keep them. So that's going to hurt us to a great extent. Also, the general funding is going from \$14 to \$12 a day, so that's making them less willing to work with us on holding offenders. But up until now, I don't know if it will change, jails have actually been asking for offenders. I average about 1100 requests per year where they ask to hold state-responsible offenders that we have on the intake list. So about 1100 a year. And mostly for work release. They put most of them on work release. They put some on home electronic incarceration or HEM – home electronic monitoring. Others are cooks, bakers, most of them are guys that we would prefer to bring in. The good inmates. That's the ones we want. Nobody wants the bad inmates but everybody wants to good ones. But at any rate, we try to work with the jails when they request to keep those, we almost always approve them.

I'm not able to bring in the 4000 inmates that are out of compliance. I don't have the bed space to do that, but when they have a particular problem and they call and say this guy has mental health issues or medical issues or behavioral issues or, you know, he's related to my chief of security and you've got to get him out of the jail, we do that. We always bring them in and they're very grateful for that. So we have a very good working relationship. I was just telling the Director a story about yesterday talking to a jail superintendent. He had an offender that he wrote me and said I know he's not out of compliance yet, he just got convicted, he's only got a year and a half, but he has a blood disorder that's going to cost \$25,000 a month for the medication. \$25,000 a month blood disorder. And he said my budget just can't stand that. Can you help me out. You've got to help me out. He won't go out of compliance, now, for some months. And so I looked at it and I can help him out. I could bring him in. We've got

- DRAFT -  
- For review and discussion purposes only -  
- DRAFT -

the court order. He's not yet out of compliance but once we get the court order, we have authority to bring them in. I don't want to pay the \$25,000 a month either but we certainly can afford to absorb that better than one jail but still it's a burden. But I looked at this guy and I said what is he in for. He had never had a prior conviction. He's in for shoplifting. A year and a half.

MRS. ALKSNE: With no priors?

MR. BASS: Had no priors. I ran a VCIN. He had no priors. I don't know how much trouble he'd been in all his life and who – he made some judge mad but I don't know what he shoplifted, but he'd never had a prior. I said, why don't we put him out on home electronic incarceration and the Superintendent said, well, you know, that was discussed in court but the judge didn't recommend it. And I said well, the judge doesn't have to recommend it. And he said let's do it. So I sent him a letter yesterday approving him, but now I can't approve home electronic incarceration. Under the law, only the jails can do that. That's something I wish we could change. The DOC has no authority over HEM. We can approve work release for state-responsible inmates but not home electronic incarceration.

MR. BLANK: Why, because we don't control the monitoring unit?

MR. BASS: They – it's just the law says – the law that creates home electronic incarceration says that a sheriff or jail administrator has the authority to assign any offender who is sentenced to the jail or who is serving his sentence in the jail to home electronic incarceration. It doesn't mention DOC. The law is silent on DOC, so we're not included.

MRS. ALKSNE: Did they change the law on electronic monitoring for good time this year?

MR. BASS: I don't think it passed. It came up. It was discussed. It got tabled, I think, didn't it, Dick? And that was so that they would earn good time while they were out there.

MRS. ALKSNE: Right.

MR. BASS: But it's my understanding it didn't pass.

MR. HALL-SIZEMORE: That was a Senate provision that didn't survive in conference.

MR. BASS: But now what the law says though is the Sheriff can do it if he's serving his sentence in the jail, so what I can do is assign him to the jail and then that gives that Sheriff, even though he's a state-responsible offender, once I assign him to the jail, then



- *DRAFT* -  
- *For review and discussion purposes only* -  
- *DRAFT* -

the Sheriff or the regional jail administrator has the authority. Most of them don't like to do it without the judge's approval.

MRS. ALKSNE: I bet.

MR. BASS: But they'll do it with my approval, because we put out on work release all day long, you know, they look to us. And the law says that we can approve work release. But at any rate, for this particular guy, I really think HEM is the – and he gets Medicaid. Right now he has his medication. He gets it through Medicaid. So that's what we did for him. Yes, sir, you had a question.

REV. PAIGE: Again, this word promulgate has got me. Say you wanted to change that regulation regarding the home electronic device, how would that process go from you – what would your first move be?

MR. LEININGER: It's not a regulation. It's a statute. You'd have to go to the legislature to get that done.

MR. BASS: You have to change the law.

REV. PAIGE: Okay, how would the process go?

MR. LEININGER: Well, all I can talk about is how we would originate it.

REV. PAIGE: How would you move this?

MR. LEININGER: Generally, I get a call around August from the Secretary's Office asking if there's any legislation that the Department wants to propose. They want to know what it is, obviously. So we'd send it down there and around about November I'd hear whether or not the Governor has agreed to go forward with it.

REV. PAIGE: At what point does the Board of Corrections be a part of that process.

MR. LEININGER: The Board has never been a part of that process. It's the Governor's process.

REV. PAIGE: The Governor's process? What does promulgate mean?

MR. LEININGER: Well promulgate means to develop or institute.

MR. BASS: Talking about the Board's role I think is what he...

REV. PAIGE: That's what I'm trying to understand. You don't need a Board if you are going directly to the legislature.

- *DRAFT* -  
- *For review and discussion purposes only* -  
- *DRAFT* -

MR. LEININGER: No, we don't.

REV. PAIGE: Before you first come here and say, here are the things that we want to go forward.

MR. LEININGER: We don't go directly to the legislature. One of the biggest lessons I have trying to tell the people that I work with. We're not an independent operator. We do what the Governor tells us to do. We only support what the Governor says to support.

REV. PAIGE: Okay, and so what the Code says here is that the Board is supposed to offer the advice to the Governor. I don't have a problem with the policy, I'm just saying the procedure. That's my concern. So, if we want to build us two new prisons and we want to put everybody out with a noose around everybody's neck 12 hours a day, I thought that it should be a thing where we come in this room first and discuss what it is that the staff has developed that it wants to go forth with and the knowledge would come in this room first.

MR. LEININGER: I guess I'm getting back to the legislative process, that's the Governor's process. He writes the rules as to how we're going to participate, and generally anything we propose is embargoed until such time as he has rendered judgment.

MR. BLANK: Doesn't he ask for the Department's advice, Department asks for your advice on what the needs are?

MR. LEININGER: Not necessarily.

MR. BLANK: Almost every Department/Secretary has the ability to give input from below up.

MR. LEININGER: Well, certainly the ability is there. We are ready, willing and able to provide that but it's not all the time sought out.

REV. PAIGE: Well, I know you have to deal with the reality of your situation. I'm just trying to understand what the Code says and the process that we're following and the process that we're following is against the law.

MR. BLANK: I don't think it's against the law.

REV. PAIGE: Of course it is. It wouldn't be in the Code.

MR. BLANK: I think we have the ability to say we'd like "x" to be done and whether or not the Governor wants us...

- *DRAFT* -  
- *For review and discussion purposes only* -  
- *DRAFT* -

REV. PAIGE: It's policy. And, of course, I wouldn't expect to know what policies they meet on. How they operate the screens or kitchens in the facilities, but I would think that at some point in our calendar year that somebody ought to say, well, here are the things that we are setting out to do. And at some point, the Board ought to say something. If not, why are we here?

MR. BLANK: I don't disagree with your...

REV. PAIGE: And I'm not saying this to attack any individual, but I'm just saying that when you put -- when you bring a representative of the Attorney General in here and you put before me what you say my duties and responsibilities are, and then you give me a process that does not reflect those policies, regardless to what the old boy's network used to do, this is the way you say it's supposed to be done. This is how the legislature of Virginia said it's supposed to be done. Obviously I'm not a political appointee so it doesn't matter to me whether I be on here next year or not. We're not going by the rule.

MRS. WOODHOUSE: That portion of the Code under the powers and duties of the Board, number 6, to make adopt, promulgate such rules and regulations, has always been directed toward the Board Standards. The Regulations for Human Subject Research, all of those things I told you are on the Regulatory Town Hall, that has always been what that referred to, and the Board does do that, and the changes do come to the Board for that. The Construction Standards...

REV. PAIGE: But unfortunately, my problem is what he gives me does say that. It does not limit it to that.

MRS. ALKSNE: It does make sense that if we're going to promulgate -- what we're saying to the Governor's Office is we think we ought to have -- we need the following laws passed. We're suggesting the following laws. Those ought to come to the Board for comment before they go to the Governor. Is that wrong?

MR. LEININGER: I can appreciate that. The problem is that, again, we don't write our own rules relative to that.

REV. PAIGE: somebody is writing them.

MR. BLANK: But you guys -- you all are giving comments up the chain.

MRS. ALKSNE: If you give it to the Governor, why wouldn't you bring it to us first? Reverend, is that your...

REV. PAIGE: Yes, that's my point.

- DRAFT -  
- For review and discussion purposes only -  
- DRAFT -

MR. LEININGER: Because as we develop it, we are instructed not to share it.

MR. BLANK: Who's instructing you that?

MR. LEININGER: Generally the rules are released by DPB but they're – I'm sure they're done...

REV. PAIGE: We're not putting you on the spot. I'm just saying...

MR. LEININGER: Oh, I understand. Most people don't understand the process.

MR. BLANK: Who's instructing you not to share with us?

MR. LEININGER: I get a package...

MR. PROFFITT: Take the 5<sup>th</sup>, Mike.

MR. LEININGER: I get a package every year from DPB. Here's how we're going to format it. Here's how it is. Stamp everything Governor's Working Papers. Don't share it with anybody.

MR. PROFFITT: Gary, if I was that jail superintendent with whom you recently spoke, because I did it 41 times successfully, I got in touch with my local delegate, and of course being a regional jail, and or state senators, and pitched them what I thought would be a good idea to amend an existing code or here's a brand-new code but it's from a user, a practitioner standpoint, and I always felt when I wrote changes to state code, I wanted it so that an average person could pick it up and read it and know what it says and it says what it means without saying that code implies this. Well, I don't want to know if it implies anything. If I was that regional jail superintendent after talking with you, I was a lot less encumbered, I think, than we potentially are, because I would go straight to my delegate, I'd go straight to my state senator, and I'd say here it is. Take a look at it. Now here's why I want this law on the books or this is why I would like this law amended and changed, but if I was that regional jail superintendent, after talking with you, I would be meeting with my delegate saying I just had this experience with the Department. I think this is a good idea. Here is why it's a good idea now. I don't speak for the Department, but I've just had interaction with the Department, so let's get this thing doing. And once I found a patron, and God bless John J. Butch Davies of Culpeper because he did 40 of them. And I think Paul Harris did one. I forgot which one Ed Houck did but anyhow, that's how I approached that and it was a lot – all I would do is discuss it with my jail board chairman and he's say, sounds like a good idea to me. Go for it.

MR. SOCAS: And that sounds like that's exactly the right way to handle those situations. I think let's just take a different – there may be a different issue that comes

- DRAFT -  
- For review and discussion purposes only -  
- DRAFT -

up where it might be helpful to have a Board discussion. It seems to me, again, this is an easy thing to do to the extent that a couple of these things have bubbled up in your view, Mike, these are things that make sense to recommend to the Governor. At one of the Board meetings, carve out 15 minutes or 30 minutes or whatever it is, and say, hey guys, over the course of the year, here are five things that have come up. Let's brief everybody on what they are. It gives people a chance to ask questions. It gets it in the record. It's an easy...

MRS. ALKSNE: There might be two different types of things. One is what the Governor says to you, I think this is what DOC should have, and that's embargoed. And I get that. And then there might be a serious of things the DOC says and the Board says we want these things and then we could talk about those things.

MR. LEININGER: Absolutely.

MRS. ALKSNE: And those could go up the other way. There's not just one way.

MR. LEININGER: They will all go back to the Governor.

MRS. ALKSNE: Right. They would go Board, you, up.

MR. BURRELL: Well, number five on our duties says that. And to my knowledge, I don't think the Chairman has ever gone to meet with the Governor to advise on anything...

MR. SOCAS: We haven't. That's something – I mean, look, it would be great after we finish all of these presentations, let's have a discussion amongst ourselves about what thoughts everyone has to do.

MRS. ALKSNE: This might be something we talk about.

REV. PAIGE: This was just a test run.

MR. BASS: I didn't mean to stir anything up. One last point.

MR. BLANK: For us, if you say I can't understand why I don't have this ability, and I'm thinking why in the hell doesn't he have this ability, why isn't that something that we discuss, not today but don't we say that's a legislative piece that we should ask our director, whomever, isn't that something that we should be promulgating as a rule because not only is our staff saying they'd like it, but, hell, it seems like a pretty good idea.

REV. PAIGE: Because you don't want to end up in a situation where maybe people start picking up the phone to your senate finance committee and saying well, you know,

- DRAFT -  
- For review and discussion purposes only -  
- DRAFT -

that budget that you're looking at, that budget didn't come before the state Board of Corrections. It didn't come before the state Board of Corrections. We have not seen anything that you're looking at.

MR. BLANK: Sorry, get us back on track.

MRS. ALKSNE: All right, I want you back on track because we're going to finish this at four.

MR. BASS: Let me touch on just one last issue that came up earlier and it was about there are some jails that are overcrowded and some not so overcrowded. We have done some moving around from jail to jail, and we've done some of that. That's a little bit delicate. We don't normally tell jails we're going to move some inmates from another jail to your jail. But those jails that we know have vacant beds, we have been doing that over the past year and a half or so, and so we're doing that.

MRS. ALKSNE: I know, but jails like Rappahannock are bordering on legendary they have many people sleeping on the floor, right?

MR. BASS: I don't know about anybody on the floor. I've not seen anyone on the floor but they very well may. A lot of jails are overcrowded. Weekenders are usually on the floor. Every jail gets a certain number of weekenders. A lot of them are moving out of Rappahannock. Yes, we're moving some from Rappahannock to jails that have beds. We've done some of that. It's getting less easy to do now that the funding has been reduced because the jails are sort of not as willing to take them as they were before. But, anyway, that's what I can say about our relationship with the jails. Are there any questions.

MRS. ALKSNE: Could we do like – maybe we're just going to have to table non-state prisoners for today because otherwise we're not going to get to green, and we wanted to...

MR. BASS: I could give it to you real quick.

MR. LEININGER: Gary Bass doing something quick?

#### ❖ **Housing Non-State Prisoners**

MR. BASS: We've got 1000 from Pennsylvania. The last group comes in today. The last group comes in today, hopefully is there – hopefully is almost there, and that will fill up Green Rock with 1000 out of staters. And in addition to that, we've only got two from Hawaii and a small group from the Virgin Islands. We're not into it as big as we have been in the past, but the majority of them are those 1000 Green Rock Pennsylvania inmates. And as we talked earlier, we're getting the revenue from that.



- DRAFT -  
- For review and discussion purposes only -  
- DRAFT -

We offset those beds with 1100 others, the 800 at St. Brides that we opened and the 300 that Wyoming went back.

MRS. ALKSNE: And the ICE prisoners are just too much work to take because they have so many strings attached.

MR. LEININGER: The problem with ICE is it depends on who you're talking to as to what they want. There was never a target that says okay, this is what we're looking for. Some of them liked fences, some don't like fences. Some of them wanted towers manned, some didn't want towers manned. Air conditioning was okay. Not air conditioning. Really, depending on who the ICE person was that day, that's what they were looking for.

MR. BASS: We met with them three times and they never got serious about it.

✓ MR. SOCAS: The question may – and I think we should take up the count and the overcrowding and the count at the next meeting. I think that'd be a great topic. And one of the questions I'd be interested in is how we take these out of state prisoners when everything we hear is we're overcapacity in all these jails. But let's take that up next time – next meeting.

❖ **Green**

MR. YOUNG: Hi, folks. My name is Tom Young and I'm the last person on your agenda.

MRS. ALKSNE: Thank you for waiting.

MR. YOUNG: Sure. Glad to be here. Kim has designated me as the agency green person, and I could talk til July. We also have Brooks Ballard. She's a nationwide code expert so she could talk about green quite a bit. This has been a long day, so we will have about 10 minutes to give you a very basic idea of how I see green, and then you can provide some feedback. Is that okay?

The first disclaimer, what I'm going to tell you is my idea of what green is. The Department of Corrections does a lot of so-called green things. I'm not able to relate my experience directly to jails, but you may be able to do that in your own mind as I go through the presentation. What I'll tell you is what we're required to do; how those requirements are developed. Talk about some disadvantages and advantages of green and then an overall interpretation of what green is.

So we started out, years ago, we talked about energy conservation and that idea was replaced by green. Green is now sustainability meaning you look at first cost, you look at cost of the resources to be renewed, so I live in a frame house, cut down a tree to

- DRAFT -  
- For review and discussion purposes only -  
- DRAFT -

build my frame house, the economic life of that house is 50 years so hopefully there's another tree to cut down in 50 years. The maintenance costs, the daily energy cost, the disposal cost. We don't build things out of material that's very hazardous because it's expensive to dispose of. And then the environmental costs, so everything we do has an impact. If we go into a site and we disturb it, we interrupt the natural processes. We may reduce the flora and fauna in the area, so we try to avoid that to the extent possible.

All right, some definitions. Back when I first started in the 80s, we did something called life-cycle analysis and this gave broad flexibility to somebody like me. We'd say, oh, we've got the need to build this building and we'll look at each system and decide what system fits this application that would be lowest cost for the whole life of this building. And the owner might say well, I need this facility really bad, it's got a lot of utility need, but I can't front the cost so I'm willing to pay more for energy. And this was a very common exercise. There was an introduction about the year 2000, Brooks, is that the date?

MS. BALLARD: Approximately, yes.

MR. YOUNG: That said, okay, you must comply with certain energy conservation standards. Some of the things that you will relate to is energy efficiency of your air conditioner, it would be R value in your walls and these are things that we now have to comply with, so every time I design a building, it has to meet those minimum requirements. Then more recently, the state, our capital outlay process, says that not only that but you must also either better ASHRAE (American Society of some engineers) standard by 30 percent, so they'll tell you an R value, you need to improve upon that by 30 percent, or you need to be LEED certified. Does anybody know what LEED stands for?

MR. BURRELL: Efficient Department of Energy design.

MR. YOUNG: Right. And a lot of people associate that with green. So, it's a cafeteria plan, you look at a whole bunch of opportunities, you pick points off of that plan and certified means you've attained between 50 and 59 points out of 100. One day, I expect, because LEED refers so frequently to ASHRAE, there will be an ASHRAE standard that will encompass all of this. And then going forward, probably what will happen is that all of these ideas will be melded into the building code.

So what you see is that as time passes, there are increasing prescriptive requirements for meeting energy standards. So, I'm curious, do you think that, in your experience, that green building saves the taxpayer money?

MRS. ALKSNE: Over what period?

- DRAFT -  
- For review and discussion purposes only -  
- DRAFT -

MR. YOUNG: It's just a general statement. Ignoring all of the complications. Is anybody skeptical? Please? All right. The budget guy is skeptical back there, and that's good. All right, when we spend extra money, we could have problems. We might not have the money in the budget to begin with. We could cause operational problems. Some of the things that we do, the system act differently. Sometimes we don't know what the operational costs are because the system is brand new. Sometimes in the life cycle of things, this green stuff isn't as long as the life cycle of this other stuff. This non-green is hardier. Sometimes it's exotic and the maintenance staff may not be familiar or even want to take care of it. It's new.

So you have to recognize that there are both advantages and disadvantages to these green strategies. On rare, rare occasion, green products can be cheaper. Most often, they cost more. You might have lower operating costs in some respects. But in other respects, the operating costs may be greater. It might improve your public image. And this is a page out of this month's Virginia Business magazine. These are all local companies which have aspired to have a green image, and some of them are trying to be LEED certified in their facilities. That's good. They may derive some financial benefit from that, but one of the things they get is they get to put green on their box and sometimes that helps sell the product. In our case, having a positive image is a good thing, but generally what drives their decision is whether or not the selection of the product for submission and is a good selection from an economic perspective and is, therefore, a good representative of the taxpayer, a good bang for the buck.

LEED is focused on more than just energy conservation, and one of the things that you see in a lot of the LEED points, you're not actually reducing energy conservation. You might be reducing the impact of your facility on the environment by not clearing as large a site or you're using materials on your inside that has lower volatile content so the theory is that your employees are happier, more productive.

All right, so the trend here is toward the industry to recognize the importance of the impact, reducing the impact, that we're having on the environment and associated with that is reducing the long-term costs. So green, for us, it's not a question of just going out and just buying the most energy efficient thing because some of those products we don't want because they create operational problems. Does anybody have any questions?

MRS. ALKSNE: Yeah, we're working on the building construction standards for the jails. And one of the things that we're talking about is how could we structure those standards so they'd consider green – if they'd just consider green options, I feel like that would put us ahead but we need to have some kind of structure for that. Could you help us do that?

MR. YOUNG: Sure. A lot of the things you have to do prescribed by the code of standards will get you a long way down the road. The things that are optional can be

- *DRAFT* -  
- *For review and discussion purposes only* -  
- *DRAFT* -

encouraged but I would caution you not to require anything beyond what is already mandated by the code.

MRS. ALKSNE: As we rewrite the, I certainly don't want to do anything that costs them money, but it would be nice if they would look at certain things, at least so that we're raising a level of awareness. Even if they just look at little things like the ceiling – the roof paint, which everybody says cuts energy costs so much and blah, blah, blah. If we could design some guidelines for what they have to at least look at that wouldn't hurt their bottom line. I think that would – they'd be receptive to that?

MR. BURRELL: Some of the LEED standards where you have silver, gold, platinum they can tell – the government has already set certain standards and they have some data to show what the energy saving would be and cost would be.

MRS. ALKSNE: When does that come up, Kim. When do we get to that point in the construction standards.

MRS. LIPP: Well, at the rate we're going, probably be three or four months. We will have plenty of notice that it's coming up, how about that, and Tom works for me so we can easily bring him in.

MR. YOUNG: LEED is good. And I'm a LEED-accredited professional so I would tend to promote LEED, but LEED was written for office buildings, just like this one, and one of the points you get with LEED is you try to limit the land disturbance and we have to have huge open space...

MRS. LIPP: You don't want trees hanging around...

MR. YOUNG: Right, so there are a lot of things that LEED would grant you points for that we simply cannot do as corrections.

MR. SOCAS: You're going to have as the state at some point, and you could argue if it had been a Democratic governor versus a Republican governor, that may change, we're going to have energy standards in place as a state, most likely in the next ten years. The federal government is mandating these standards already for federal construction, and I think the expectation should be we're going to have to do this and there's going to be a cost, whether it's going to be construction costs, which is probably the cheaper way to do it, or renovation costs in five years, which is the more expensive way to do it, there's going to be a cost at some point in time to do this and I agree with you, I would just do it now.

MRS. ALKSNE: Well, the standards are being rewritten now so now's the time.

- *DRAFT* -  
- *For review and discussion purposes only* -  
- *DRAFT* -

MR. SOCAS: Right, and I'd just put it in but I wouldn't make it – I think you were saying maybe make it optional. I'd maybe take a point of view and say, look, we're going to have to end up here at some point and let's just bite the bullet.

MRS. ALKSNE: That could be true but I'm not sure we're educated enough to do that and I think the sheriffs would strangle us. So we can only do so much at a time.

MS. BALLARD: Well, the people that hold purse strings in the localities, the two facilities that have gone green have been – actually we're looking at a third now that is looking for LEED certification, there is a difference as Tom indicated between LEED and the requirements in the building code. What we have found is the up-front construction cost is more expensive. In terms of Western Virginia, it was close to -- I think they got it down to a million and a half but what they did cost them close to \$5 million.

MRS. ALKSNE: One thing they did in the Richmond City project, which I don't see in any of the other projects, they figured out if we spend "x" on the green energy conservation, we're going to save "y" over the next five years. In the past we've never asked them to look at what they could save, so they never did the calculation so nobody ever really – I mean, according to Cary Gill, who's done so many of these.

MS. BALLARD: Well, actually Western Virginia did, also, and they're going to be doing that on Rockbridge. There is – the up-front construction cost is offset by payback, in some cases very short term. This is a payback. It is a savings to the jurisdiction involved. It is not a savings to the State of Virginia directly.

✓ MR. SOCAS: I don't know why it's controversial for us. Just like we're going to make decisions on the footprint of a cell, why is it not within the Board's jurisdiction or maybe even a good thing economically and for other reasons to take a point of view on this? I don't – the Sheriffs are going to strangle us?

MRS. ALKSNE: Take a point of view is one thing, but mandate this locality will spend "x" on which way they will try to save energy.

MRS. LIPP: Selecting systems is something that could be problematic.

MR. SOCAS: But you could just say you have to adopt certain LEED standards. I'm missing what's – I'm missing why this is controversial.

MRS. ALKSNE: Because they're out of money.

MRS. LIPP: The ASHRAE standards are already in the code, which are being complied with already.

- *DRAFT* -  
- *For review and discussion purposes only* -  
- *DRAFT* -

MR. YOUNG: For the state

MRS. LIPP: As Tom was saying, we're very green to begin with.

MR. YOUNG: For the state, for any construction over 4,000 feet we have choice, we can comply with ASHRAE plus 30 percent better than ASHRAE, or we can comply with LEED certified, which is reasonable compliance with a reasonable number of LEED standards.

MRS. ALKSNE: Maybe we'll talk about it – once we get together on this committee, and you come in and we start to talk about it. Maybe there won't be. Maybe I'm wrong. I mean I would love it if I were on this one issue.

MR. BLANK: A couple questions. I had my ear whispered into yesterday by guys from Johnson Controls.

MRS. LIPP: We do a lot of work with them.

MR. BLANK: They said they were doing a lot of work. I was fascinated, one, if this is a pure conservation play, if they were telling me correctly, that they come in, do an analysis of what they think can conserve on utility costs, they do a contract, guarantee the savings and then capture some savings afterwards and do the infrastructure and have a third party. Were they, a, were they telling me this straight, and then I went on line and saw them and others with other prison systems were leasing the rooftops of massive buildings for solar panels. Are we looking at that type of stuff?

MR. YOUNG: We are. We've spent about \$3 million through Johnson Controls in that program that you described with the analysis of potential savings, the implementation of the work to acquire the savings over a payback period, and then we use that money to cover the debt. There's a lot of complications with that and our budget director in the back will explain that the promised savings does not always live up to our expectation. That's one model and that is allowed by the legislature. It is debt so that's another issue that might cause a problem. Legislation says if it's over \$3 million, it has to be approved as a capital project. The other model you were talking about is leasing property for another entity to generate electricity or some other purpose, and we do that some. It's potentially something that could grow because we have a lot of resources in that respect. Kim, you want to elaborate?

MRS. LIPP: Umm, I'd say – having people on our roofs is not likely inside the secure perimeter having some – I don't know. A lot of questions about that. Whether we would ever go that way or not.

MR. BLANK: I GOOGLED it and it looked like the federal prison system did it.



- *DRAFT* -  
- *For review and discussion purposes only* -  
- *DRAFT* -

MRS. LIPP: They might have.

MR. BLANK: They leased – it was a huge amount. I was shocked. I don't know if they leased it or –

MRS. ALKSNE: Yeah, they leased the space...

MR. BLANK: But somebody put huge amounts of – I was blown away by the number of photostatic... And I have concerns there.

MR. HALL-SIZEMORE: Let me give you one example of what – how this Johnson Control thing – it works but it doesn't work as Tom pointed out. DOC went in, Johnson Controls went in, cut into Greenville Correctional Center, the biggest one DOC has got, cut the water usage by 25 percent.

MR. BLANK: Sounds good so far.

MR. HALL-SIZEMORE: Sound good. The local water authority from which DOC buys water looked and said oh, my God, our income has dropped by 25 percent. We can no longer pay our debt service, therefore, we have to raise our rates. So the rates got raised.

MRS. ALKSNE: That is classic.

MRS. LIPP: It's happened twice in two localities.

MR. HALL-SIZEMORE: I said Louis, where is all this money you saved. It's not showing up on the bottom line, I can tell you.

MRS. LIPP: Our experience has been the money is not stacking up in the corner. Seriously. Now, there have been some additional costs and resources where we've saved – some of these products, while they are saving energy, are not, as Tom said, they're not as hardy, they're not lasting as long. So there's more resources, there's more maintenance costs to install more energy efficient light bulbs more often and they cost twice as much when you go to buy them. So they're lasting shorter and they cost twice as much. So some of it works. Some of it doesn't. But the thing is, you've got to be cautious with how much of it you do. And so, we've done a fair amount. We're now pulling back a little. We've got one more project going on with Johnson Controls. We put from broader parameters, longer term paybacks, more green down to quicker paybacks, more certainty, and that's what we're moving forward with.

MR. YOUNG: It's my pleasure.

- *DRAFT* -  
- *For review and discussion purposes only* -  
- *DRAFT* -

MRS. ALKSNE: Thank you. Based on what you think, Mr. Chairman, if we're going to protect our chatting time, as a group, we need to move on. Anybody want a cookie.

MR. PROFFITT: Dick, I'm just curious, I know you were on the task force for the non-offender...

MR. HICKMAN: The non-violent offender...

MR. PROFFITT: The non-violent offender task force and I guess part A, part B. In this last session or lead up to the session, was there any discussion at all, in light of this task force and I don't think the task force recommended that, but was there any discussion in the General Assembly as regards should discretionary parole be reinstated for non-violent offenders from a budgetary standpoint.

MR. HICKMAN: No.

MR. HALL-SIZEMORE: No, I can tell...

MR. HICKMAN: No. You might recall also there was an amendment in the introduced budget recommending – in the budget as introduced to extend the early release from 30 days to 90 days. That was accepted by the Senate and it was accepted by the House in the House budget and it really wasn't even discussed in the Conference Committee. It sailed right through. The Governor introduced an amendment last year to take it out and that amendment sailed through. But there was no discussion of re-instituting discretionary parole. I shouldn't say – maybe there has been. I really haven't heard it.

MR. PROFFITT: Have there been any – a study or studies done that would indicate that if discretionary parole were reinstated for non-violent offenders, what the cost savings to the Commonwealth would be?

MR. HICKMAN: There's really – to my knowledge there's really been no study of that, although we did have a study done last year by the Sentencing Commission on geriatric parole release. That's been an issue that's been discussed within our subcommittee. There have been differing opinions on whether we're paroling enough of the geriatric inmates or not. And it comes down to yes, we have a lot of geriatric inmates, and yes, they happen to be there because they've committed very serious crimes, and so there's good reason why they have not been paroled. There are those who think that more of them should be paroled. And there was a study done by the Criminal Sentencing Commission at our request last year that found a fairly significant number of geriatric prisoners out there that become eligible for parole over the next several years. And because of that, our response to that discussion was we drafted an amendment – we included an amendment in the Senate budget requesting a study of the possibility of developing a geriatric release facility that might, for example, be operated

- DRAFT -  
- For review and discussion purposes only -  
- DRAFT -

privately and be Medicaid certified, so that the Parole Board would have a place to parole people to that would be very, very minimum security, would not technically be a correctional facility, and the person would be eligible for Medicaid as if they were in a nursing home, and we think there might be a growing market for that. Part of that amendment was to have the Department do an RFP to see if the private sector would come forth with some proposals to see what it would cost. We got in the conference committee and the House budget conferees would not accept that amendment and so it died in the conference committee. We thought it was a very, very good idea. We offered, in the course of the budget negotiations, to drop that part of the amendment, that paragraph, that had to do with the RFP thinking okay, if you think that's going too far, let's just have the study done minus the RFP. Wouldn't hear that either. So, we ultimately lost that amendment. We do think that there's a possibility that we should be looking at some kind of a geriatric parole release facility that would get at this issue of what do we do with these older inmates that are growing in numbers.

MR. PROFFITT: Because I know – it was 35 years ago when I was a PO in District 9, if I recall correctly, we were able to supervise someone on probation or parole I think it was \$600 a year, and that was 35 years ago. I don't know what it would be in today dollars, but suffice it to say it would be substantially cheaper than incarcerating an adult for one year. And obviously, not to belabor the point, I wrote Governor Allen – I've known George Allen a long time, and I wrote George Allen about a four-page letter when it was proposed and I told him point blank, bottom line is this is going to cost a lot of money and I said plus, you're equating all state-responsible felons are painted with the same brush, petty larceny third offense constitutes grand larceny, and that person now looking for parole, if he or she gets a state-responsible offense, you're equating that to someone who fits homicide and it would be difficult to argue that those that murder, rape, robbery, whatever, offenses against children, should not be eligible for parole, but there are, in my opinion, a number of folks that are of a non-violent conviction that I think could be diverted via parole. Because we talk about alternatives to incarceration, prior to the abolition of parole which took place midnight December 31, 94, that was the largest alternative that was used to probation and parole, I think without any argument at all, and I would just—I would hope there would be a political will for something to be done to seriously examine the fact of re-instating parole for non-violent offenders.

MR. HICKMAN: I don't see any discussion of it in the General Assembly.

MR. HALL-SIZEMORE: And also, I participated in the task force and I don't think there's any – there's no appetite for that at all. It's a non-story. You've got to remember, though, the sentencing guidelines for non-violent offenders were set at historical standards, time served. So really, the non-violent offenders, even though they're not under parole, they're really not serving that much more time than they were with parole. Because the sentencing guidelines are based on actual time served for non-violent offenders. Even -- more efforts have gone at re-defining offenses, and you hit

- DRAFT -  
- For review and discussion purposes only -  
- DRAFT -

upon the one that's a favorite one and that's petty larceny. Right now, anything over \$200 is grand larceny, and there have been many efforts to try to increase that amount, and they all died in the House courts of justice.

MR. BURRELL: Maybe the public needs to be educated. The politicians have vowed to change that. They say we're going to lock them up. And that doesn't make them any better off when they come to non-violent crime. That amount in the Depression was an amount. Today, it's ridiculous to say grand larceny is over \$200. Politicians don't want to feel they're soft on crime.

MR. HALL-SIZEMORE: And the opposition comes from the retail merchants. They contend that by increasing it, instead of people of stealing \$199 worth of stuff, they then steal \$499 worth of stuff and still be a misdemeanor. They're looking at their picture and they have a great deal of clout.

MR. PROFFITT: I remember when \$100 was the limit, and I had a group of probationers that were going around to grocery stores with little calculators and they were shoplifting \$99 worth of stuff.

MR. HALL-SIZEMORE: That's what the retail merchants contend. That's what they contend now.

✓ MR. SOCAS: I think, Sterling, I think it's a good segway into this question is that something, again, I think one of the themes today, is that the kind of thing that might be an interesting subject for a future meeting. There's a lot of stuff to take care of just out of today, and some of us won't be here in a year or so, but in a year, that might be a very appropriate thing to spend a few hours on and bring in some people and have a discussion about because as you point out, it has a huge impact on the system. But that – it'd be terrific to get to in the last half hour, Cynthia, just what are some follow ups from today. I only moved over here because I was just seeing the back of Jonathan's head for the whole meeting, which was fascinating. I couldn't see anybody else.

MRS. ALKSNE: Well, this is the time we sort of designated for lessons learned, what do we want to do in the future; what are we doing right, what are we doing wrong. Just kind of having a chance to chat about what we ought to be doing.

MR. BURRELL: What about the Chairman or a designated person from the Board of Corrections lobbying for some of these changes to the General Assembly. As far as my tenure here, I don't recall any time that Board members went to lobby for reform on changing legislation before any subcommittee or the House of Delegates. That might add a little bit of clout – it can't help but do some good.

- DRAFT -

- For review and discussion purposes only -

- DRAFT -

MR. SOCAS: Jimmy, I agree with that. I think that kind of lobbying would be even more powerful if you came and said we held a hearing or we had some findings in this area, we brought in certain people, we had the external community involved, here's what we found and we're coming to you with the results of our exploration as a Board. I think that would be a very powerful message or follow up on a number of these topics to do. Just for what it's worth, I don't want to speak for Peter or Jimmy or Sterling, because maybe we represent some of the older guard here, but I think the direction that this offsite's taken and the direction, the energy is just a fantastic change. Positive change. I think we've probably – some of these issues Jonathan was turning to me in the meeting at points in time and saying did you guys focus on this or did you know this, and the fact is, we didn't focus on some of these things and maybe we should have. I think we had a good committee, good committee members while we were on, but I think really the maybe the thing to talk about for a few minutes is what does this Board now want to do with this, what direction do we want to go. I had one radical suggestion that occurred to me during the meeting, which I'd be happy to offer, but I think it'd just be interesting to see where do we want to head with this stuff.

MR. BLANK: I've got to, unfortunately, leave in five minutes for childcare duty in Charlottesville, but one thing that I think that we can at least have a jumping off point is that we have been charged through the budget language to do "x," and I know what "x" is but it didn't matter what "x" is because now we have a charge. We have our duties and powers that the Code section has given us, we should use "x" to set up whatever y, z, a, b, down the road that we may want to do, so use this charge to figure out how to use those powers the best way possible to get at "x." For example, 'til today, I read it, I didn't focus on it, we can call hearings. We can subpoena people. I mean, not that I want to be out of the box right out of the gate by saying if you don't respond to what is your bed space, I'm going to send a subpoena and make you come down because I don't think that's the appropriate way. I think you ask...

MRS. ALKSNE: You'll be needing a Dale Carnegie course...

MR. BLANK: That's right. But those type of things. This is a great opportunity to utilize for "x." And today, as I walk out the door, I want to thank the staff and especially the people who came that were guests. I mean this was invaluable for me and it just – and I really enjoyed it, and I hope that again Reverend Paige said it, I don't want to be looked in terms as an adversary. We may be asking to do things differently but I would hope that the staff and the Department looks at us, and these powers that may not have been used this way, as we are allies and there are certain things that you could use us as the black hat that you want to get at that you don't feel that you can do. Come to us and we'll stand up and be the black hat. I'll be the black hat 'til they take me off or take me out. I see ourselves that we can really do something special here with some of these things if we're – and we're not going to see eye to eye on everything but certainly there's abilities to be allies to push things that may not have been able to be pushable. So, anyway, thank you guys, very much.

- DRAFT -  
- For review and discussion purposes only -  
- DRAFT -

MR. DECKER: And please thank any of your colleagues that left early. Please tell them how much we really appreciate you all being here and giving us your time today. This has been a really great experience.

MR. LEININGER: And the Academy staff.

MR. DECKER: Oh, yeah, the staff, too. Everybody.

MR. SOCAS: Before you go, can we just do a – I wrote down five or six things that were action items out of today. You want to just go through those – before you go, it'd be useful to just whip through those. And others may have others. Mr. Chairman, can we just kind of go through what the action items are. And these again are just one view. The first question was what is the Board standard or should we develop a standard on overcrowding. How do we measure that? How do we hold facilities accountable to that standard?

The second point, these are not necessarily in any order, a view or maybe a hearing or maybe further discussion on the impact of gangs on the system going forward.

The third was, obviously, the time spent. I think Cynthia did a fantastic job managing the discussion around the count. What is our capacity? Are we kidding ourselves with the current count? How do we develop that? And that's something that's mandated for us to do.

The fourth thing I had was metrics for success. Just agreeing as a Board, maybe it's in the Strategic Plan. Maybe it's on the website. What are the metrics that are going to drive the system over the next few years and how can the Board be involved in monitoring that.

And the fifth thing I had was reviewing the current, and this was maybe my own issue, reviewing the current approved construction and should we be looking that in the light that every business and every household in the country has taken today that yes, we committed to do something a year ago but does that still make sense to do. And if we have not broken ground on some of these facilities, do we want to think about pulling back an approval, and I know that is strong medicine but that's -- I think these are rough times.

MR. BLANK: As I walk out the door, I'll add a couple of action items. One action item was the IT action item, which was to see if we can set up SharePoint, that was a technical term, so that we can have greater access to the information. And there were action items in terms of the budget. If a duty is to review and comment to have access in time to at least review, maybe not even comment, but I think that's an action item.



- *DRAFT* -  
- *For review and discussion purposes only* -  
- *DRAFT* -

And those were the two that I had. And I do have to run. Thank you, Cynthia, also, and Mr. Chairman.

MRS. ALKSNE: Umm, well, I don't know where we go next on the action items. It does seem to me, and maybe it's my practical side, but I would propose that the next meeting be focused on the capacity issue and how we're going to handle this because we've been charged by the legislature with that.

MR. SOCAS: Yeah.

MRS. ALKSNE: And we need to have Bill Wilson and Brooks there to talk about how we're going to do that.

MRS. WOODHOUSE: Can I just let you all know that you have, as of this writing, a pretty good-sized Board meeting agenda already, so you're looking at a lot of time in May, just so you can plan.

MR. SOCAS: Who set the agenda?

MRS. WOODHOUSE: I set the agenda but it is your certifications, it's your – your regular process. Your motions to approve minutes...

MR. BURRELL: Is it larger than normal?

MR. SOCAS: The normal stuff.

MRS. WOODHOUSE: It's a little bit heavier than normal. I just want you to plan it's going to take some time.

MRS. ALKSNE: Should we think about the capacity in the subcommittee.

REV. PAIGE: Why don't you take comments from everybody before we try to see because some others might have some action items, then set your schedule.

MRS. ALKSNE: Mr. Chairman, do you have any action items you would like to add?

MR. PROFFITT: Mine were basically in line with part of what Jim said, the capacity question and the overcrowding question. Because what today did was certainly instill, reinforce and give all of us an appreciation for the magnitude of the responsibility of the Department of Corrections. Even though I've been involved in this type work a long time, it never ceases to amaze me of the not a thousand and one but a million and one obligations and responsibilities and I don't see how they do it.

MRS. ALKSNE: What do you think, Mr. Burrell?

- *DRAFT* -  
- *For review and discussion purposes only* -  
- *DRAFT* -

MR. BURRELL: In the future, we can do this at our July meeting or something, but look at some of the things we were talking about giving lobbying to the General Assembly, the limit on grand larceny, raise that up, and get that to them in a timely fashion. It probably has to be there by November, at the latest.

MR. HALL-SIZEMORE: Generally, we ask agencies to submit – DPB sort of controls the legislative requests, they come to us, and we ask agencies to have their requests in for consideration by us – generally, September 1 is the deadline.

MR. LEININGER: On top of that process, then, you have the Secretary's process. They want to see it first. Our Secretary generally sends it to DPB, so once it leaves our office to the Secretary's Office, we don't hear anything.

MR. HALL-SIZEMORE: Usually any kind of deadline that we have, and it differs from Secretary to Secretary, but usually any kind of deadline we have, Secretaries want to see things from agencies ahead of time, and I don't know how Secretary Decker is going to do it.

MR. LEININGER: Yeah, I don't know.

MR. BURRELL: Suppose the Secretary disagrees, then I could go to my delegate or senator and say why don't you put a bill in.

MR. HALL-SIZEMORE: You, as a citizen, can always talk to your legislator.

MR. BURRELL: If we put it in and it fails to go, then I can go to my delegate and senator.

REV. PAIGE: I just want to say my whole point here is that I think the planning process is the key to being able to develop a process to respond to a variety of the issues that we are discussing, and I think we need to look at the long-range plan of the Department. Because essentially, the long-range plan becomes the guide of the Department and that is the place where we need to be – give our greatest advice to the Department and input to the Department. Once we develop – the Board adopts a long-range plan, then when the staff is doing regardless to what they're doing or who calls them up, they know what the Department's – what the Board's adopted long-range plan is, and so there is no conflict. There is no question. Now, we know that everything that's in the long-range plan will not be approved by every Governor or agreed to by every Secretary, but if we can at least try to include it in the long-range plan. I believe in planning. I believe that your vision is what develops your budget. If you do not know what you're trying to do, then you do not know what it's going to cost or how to project it. And of course you know that the staff here, sometimes your numbers can be going one way based on things but things change, but at least if we know what our vision is, what it is that we think that we need to be trying to do, and I think that one of

- *DRAFT* -  
- *For review and discussion purposes only* -  
- *DRAFT* -

the things that we need to do, one of the items we need to address, is the long-range plan. Let's pull out the long-range plan, and let's review the long-range plan. Let's see what's in the long-range plan and ask ourselves the question, is this the plan that we still want to stay with because it is – when you approve your long-range plan, that's what you – you're really saying to your Department this is what we want you to go and do and get this done. This is our opinion on what should be done, and then from now on when we're talking about it, we all know what we're talking about. Of course we know that the climate and politics and money and all those things will change, but the long-range plan is the thing that I think that we need here and is essentially the thing that the Code is giving you responsibility for. It's so that when we start asking and talking about this thing, it doesn't seem as though someone's trying to tear somebody's gingerbread house down. Nobody's trying to tear the house down. We're trying to keep the house up to make it stronger. And this is where SCHEV and other organizations are able to beat us because they are way 20 years down the road, and constantly reminded, and so I'm just saying, I see our group as being part of that process, and so I think we need to pull the long-range plan and take a look at it, review it and say is this still what we want to do now that we know the spending priorities are different, we may not be able to do that now. And then when we see the staff doing things, we know what they're doing. That's just my suggestion.

MR. DECKER: Hopefully some of your frustrations from earlier have been answered...

REV. PAIGE: Oh, my frustrations – I'm a Baptist preacher. I'm always frustrated.

MR. PROFFITT: You can say that and get away with it.

REV. PAIGE: The Word of God says where there is no vision, the people perish. I believe that an organization should be driven by its vision. We should spend for that vision. Our programs should all be to achieve that vision. That's all.

MR. BURRELL: To develop a long-range plan, we would need the input of staff.

REV. PAIGE: That's right. It comes from them.

MRS. ALKSNE: Oh, yeah.

REV. PAIGE: The draft of the long-range plan comes from the staff. They're the experts.

MR. SOCAS: And there is a plan. Your point is let's review it, pull it out, dust it off and let's see what we think.

- DRAFT -  
- For review and discussion purposes only -  
- DRAFT -

MRS. ALKSNE: It may turn out that once we see it we have to break it up into pieces and talk about different pieces. It will take a while.

REV. PAIGE: And let them look at it. They could come with their comments first.

MR. SOCAS: Pete, you've been talking the whole day. What's your point of view on this stuff.

MR. DECKER: I did sense a little bit of frustration when we first started out that as a Board, we come in here and we're just appropriating – or approving appropriations for outlays to build prisons and we don't make much of a difference, we don't serve our community as much as we would like to. I think the Director jumped right on it and said if you want more input on the budget, he'll get us some information. He's very accommodating. We talked about a couple other points to bring up. I thought maybe the Liaison Committee can help set up a gang management program that will make a difference in the community. Try to nip that crime in the bud from the prisons where it's beginning. Obviously, we're going to talk about the capacity and bunking issues. And we heard about the horrendous budget cuts and what they're doing. Mr. Hickman brought up good news, population was declining, but you said one of your theories was that maybe the economy tanking is causing overtime to be decreased. That's exactly what's happening in my area. I practice in six different localities. Indictments are down in every circuit court. Our criminal – new criminal business is down in my firm because of that. I hope it doesn't increase, but I think as the economy improves, cops are going to be out on the street and increase is going to be there so we've got to be ready for it. So the big thing is what are we going to do the next four years? I think we've all come to the realization, no more money going to bricks and mortar. We can't be – can't continue to be spent on these prisons. Our fearless Director has taught us we need to lock up those we're afraid of, not the one's we're mad at. How many times do we keep hearing that? We've got to shift the burden from the Department of Corrections to the jails. That seems to be the shift here.

MRS. ALKSNE: Not without a fight.

MR. DECKER: What was the statistic I saw? Fourth highest in the United States at locking up people because of violations from community – from probation. Technical – non-violent offenders who violate probation for technical violations. These judges are giving them an average of 31 months re-imposed sentences. That's simply because they're mad at these guys because they didn't say you've got to pee in the cup and you've got to pass. We're mad at you. Go back to jail for 31 months. It's a lot cheaper to hire a probation officer, pay them \$30,000 a year, and let her handle 60 files then to lock up those 60 people at \$24,000 apiece. So that, as far as a vision, is something we can all do to take back to our communities, take back to our legislators, and say, hey, you all want to save money. You want to reduce the population rate, you want to

- DRAFT -  
- For review and discussion purposes only -  
- DRAFT -

reduce recidivism, stop building the prisons and start focusing more on the EBP.  
Thank you for letting me open my big mouth.

MR. SOCAS: It's always well said.

MRS. ALKSNE: How about you, Mr. Mitchell -- Mr. Washington?

MR. WASHINGTON: I'd like to really say ditto to everything the guys and girls have said here today. It's been really fantastic to sit and listen. As the Reverend would probably say, God gave us two eyes -- or two ears and one tongue so if you listen more and talk less, you might hear and understand more. A couple of things I'd like to share with you, though. I really was encouraged as the Director shared with us how Virginia stood in the area of corrections. With all of the dilemmas we have, positions lost, 25-plus million dollars per year that we have to be accountable for, shortcomings, all those first things there and still we stand tall with the tallest boys around -- in the country. So I think that was a plus for us, and I'm really appreciative about that. One other thing I would like to say, because we're robbing Peter to pay Paul. As I think his name's Gary or...

MR. LEININGER: Gary Bass.

MR. WASHINGTON: He shared with us that they took four other people as far as the gang...

MR. LEININGER: Gary Clore...

✓ MR. WASHINGTON: The gang team that they were using. Well, when you take from someone else, that means those -- that's double work for somebody else to do, and that's the way it is down the line. So I think the corrections department does an excellent job and that's why we are in place to assist them to do even better. One thing I would like to see in the future is that we get with the President of the Virginia Sheriff's Association in reference to these bed counts so that we can better understand and get them to better understand why we're doing what we're doing and why they should count x, y, z and not take them out and put them back in and all that type of thing to better understand where we're going with that bed count and how it would affect them. So I think that you've done a good job today and I'd like to thank the staff and the people that really put this together.

MRS. ALKSNE: It would be great to have the sheriffs and talk about how the capacity issue matters to them.

MR. WASHINGTON: The President of the Sheriff's Association. I'm sure they would be glad to send their representative.

- *DRAFT* -  
- *For review and discussion purposes only* -  
- *DRAFT* -

MRS. WOODHOUSE: And don't forget the Regional Jails Association.

MR. WASHINGTON: As well.

✓ MR. SOCAS: Can I offer one radical suggestion. I think your agenda for next month – I think we do need to focus – given the timeline that has been set, I think we need to focus on the bed count and capacity issue. It seems like everyone's on agreement on this. And I think your suggestion of bringing in the constituents and hearing them out and having this be, hopefully, a collegial process, makes sense. So I think that agenda item makes sense. I would love to see and this is something Sterling brought up on a different context, but I think the committee structure does not really match the work that the Board needs to do if that makes sense? I think the committees are maybe a little bit of a vestige of the past, particularly with this change in construction, and just to toss out, I think we could restructure the committees, which I think would go a long way towards driving a refocusing of what the Board does. For example, you could set up a Strategy and Policy Committee that every Board meeting met and reviewed these kinds of questions. Like Jimmy said, you could set up a Facilities Committee that wasn't approving new construction, which is kind of what we do now but actually overseeing overcrowding and these kinds of issues. You could set up a Finance & Metrics Committee that was looking at some of these standards, but I think rethinking the subcommittees, which is certainly within the purview of the Board to do, they're just our subcommittees, I think is something that deserves a little bit of thought because I think we're organized to the old way and I think it probably makes sense to graduate to the new way.

MRS. WOODHOUSE: So you'd redo the By Laws.

MR. SOCAS: Sterling brought that up. I thought that was an excellent suggestion. Something every Board does as best practices and I thought it was a great idea but I'd put that on the table as part of that.

MR. PROFFITT: That can be done. The By Laws need to be amended. And Barb on the agenda, there's 30-day notice requirement?

MRS. WOODHOUSE: And I'm going on vacation and the agenda goes out and is posted on May 10.

MR. PROFFITT: And is the Board on May 19<sup>th</sup>?

MRS. WOODHOUSE: Well, the agenda doesn't have to post. It's just the notice of the meeting. The agenda is posted to the Regulatory Town Hall the day that I mail the package, which is always nine days before your meeting. It's always the Monday before your Board meetings, so it will be posted on May 10.



- *DRAFT* -  
- *For review and discussion purposes only* -  
- *DRAFT* -

MRS. ALKSNE: So we have a lot of stuff already.

MR. SOCAS: But the lot of stuff is probably the stuff that we've always done.

MRS. WOODHOUSE: Well, it is. But, just depending on discussion and all. I just wanted you all to be aware. Sometimes it's right lengthy. You can't –sometimes you can expect to get in and out, and sometimes you can't make other plans because you know this stuff is coming on.

MR. SOCAS: I think you're right. It's a good point.

MR. BURRELL: We can put it on the agenda, and if we get around to it, fine. If we don't...

MRS. WOODHOUSE: You can always defer it to another meeting. Absolutely. But you all need to let me know for May 10. You're going to have to leave me a message or send me an email because I won't be here.

MRS. ALKSNE: Well, let's decide right now what we want to put on the agenda.

MRS. WOODHOUSE: Well, I won't be here. I'm not going back to the office.

MRS. ALKSNE: Before May 10?

MRS. WOODHOUSE: No. I'll be back in the office May 10.

MR. SOCAS: I think we should put it on the agenda. If anything, I think we should figure out a way to shorten some of the other things.

MRS. WOODHOUSE: Good luck with that.

MR. SOCAS: We're all on Boards that can get through some of the stuff a little easier. I think we can probably do that if we set our mind to having it on or maybe we don't leave at 2:30. We end up leaving at 3:30 that day but it's an issue we've got to address, so. That's my two cents.

MRS. ALKSNE: Mr. Chairman?

MR. PROFFITT: Jim, you were talking about addressing the crowding and bed count issues.

MR. SOCAS: It seems like we've got to start tackling that if we're going to hit this fall timetable.

- DRAFT -  
- For review and discussion purposes only -  
- DRAFT -

MRS. ALKSNE: We have to tackle capacity because that's our deadline. Overcrowding is another global issue but we don't have a deadline on it.

MR. PROFFITT: We can certainly -- you're right. Instead of leaving at 2:30, leave at 3:30.

MRS. ALKSNE: At this next meeting, do we want to invite some of these other sheriffs for input or do we want to do that in a separate meeting.

MRS. WOODHOUSE: I would do that in a subcommittee or something. Get a good back and forth.

MRS. ALKSNE: Separate?

MR. LEININGER: Don't you have the Liaison Committee meeting that day, too, as well.

MR. WASHINGTON: We do.

MRS. ALKSNE: In the morning, yeah.

MR. LEININGER: You know you have your Virginia Sheriffs represented. You are aware of that.

MR. PROFFITT: Is Steve still President of the Sheriff's Association?

MRS. LIPP: I think Jeff Frazier is...

MR. PROFFITT: Because he's on the Liaison Committee.

MR. LEININGER: Apparently the Sheriff's Association has replaced B.J. Roberts with Gabe Morgan.

MR. WASHINGTON: Isn't the Stafford County Sheriff now the President.

MR. PROFFITT: Didn't Steve take over for Tom Jones?

MR. SOCAS: But I think Mr. Washington's idea -- or at least my interpretation was there's an honor getting an invitation and saying we value your input, we'd really like to see you part of the process -- we view this as an important issue and I'm very much in favor of that kind of an approach, wherever it happens.

MR. WASHINGTON: I think that's most appropriate.

- DRAFT -  
- For review and discussion purposes only -  
- DRAFT -

MR. PROFFITT: They might send John Jones.

MR. WASHINGTON: Well, I think the President of the Sheriff's Association should respond rather than John. John is just more or less their Director.

MR. PROFFITT: It will probably be both of them. Because I think the President of the Sheriff's Association would probably want John with him.

REV. PAIGE: Well, maybe a committee could go meet with them and try to formulate some – because basically you just need to have a discussion to try to show him what you all are doing. Maybe a committee could meet with them and to discuss that and once you devise a strategy, when it comes to us, it needs to be something that we need to be discussing before action.

MR. PROFFITT: And like Barb said, a representative or representatives of the Regional Jails Association.

MRS. ALKSNE: So, I understand this -- we're going to talk about it at the next meeting, come up with – talk about the issue, how we think it's ought to go, get input from the staff at the next meeting, and then we'll decide are we going to go have a separate meeting with the Sheriffs and the Regional Jail Administrators or are they going to come to the June meeting. Does that sound like a good plan?

MRS. WOODHOUSE: Actually, you'd have to call a June meeting because you don't have a June meeting.

MR. SOCAS: We don't have a June meeting.

MR. PROFFITT: June meeting would have to be a special meeting.

MRS. ALKSNE: Well, we could have a subcommittee or something on this.

MR. LEININGER: There's nothing to prohibit you from doing that. You can dedicate that whole meeting to just that purpose.

MR. SOCAS: That's the problem with the schedule is it's basically and then when's – we're off for the summer.

MRS. WOODHOUSE: It's every other month until the fall.

MR. PROFFITT: It's May and July.

MRS. ALKSNE: Well, depending on what the staff thinks how this is going to happen. It's sort of the boot on our neck.

- *DRAFT* -  
- *For review and discussion purposes only* -  
- *DRAFT* -

MRS. WOODHOUSE: And maybe you want Mr. Dick Hickman and Mr. Dick Hall-Sizemore involved also.

MR. PROFFITT: I think that's what Cynthia was saying. We can discuss the capacity counting at the upcoming May meeting...

MR. SOCAS: And have the Sheriffs in for the July meeting.

MRS. ALKSNE: For the June meeting.

MR. PROFFITT: And get the Regional Jails in and certainly get their input.

MRS. LIPP: What we were thinking is you already have some jails and regional jails and sheriffs there (at the Standards meeting), so if Board members just wanted to come into that meeting...

MRS. ALKSNE: I don't think we're ready for that until we've talked about it. That's my instinct. We need to talk first.

MRS. LIPP: Okay.

REV. PAIGE: Is there somewhere you can go on line and really read about this?

MRS. ALKSNE: No. We just – in these jail construction meetings we just talk it to death. That's how you learn it. You talk about it. You're going to love that, Reverend.

MRS. WOODHOUSE: So what's the word?

MR. SOCAS: What else to tackle?

MRS. ALKSNE: Well, I'm on information overload. I have to admit.

MR. PROFFITT: Well, again, all of us immensely appreciate everyone's input from staff, from Dick Hickman and all of the other folks. It was certainly an enlightening experience to say the least. And obviously with the willingness of the Training Academy folks to host this. It was a perfect venue. And, again, Cynthia, thank you for your time and effort that you put to cobble this together.

MRS. ALKSNE: Thank you.

MR. DECKER: I tried to give credit to Paul, but you're the one who came in with my pink folder. It was a nice package.

- *DRAFT* -  
- *For review and discussion purposes only* -  
- *DRAFT* -

MRS. ALKSNE: Yeah, but you know what, if he hadn't said – he just came up to me right after the meeting and said I can take care of this for you, I'll set it up and all of a sudden this wonderful woman, Kathy, came into my life and it went poof. I didn't do anything. It was great.

REV. PAIGE: You did a great job.

MR. SOCAS: Nice job.

MRS. WOODHOUSE: You want to adjourn the meeting, Mr. Chairman? Are you done?

MR. SOCAS: Motion to adjourn.

MR. LEININGER: Motion to adjourn?

MR. PROFFITT: I have a motion to adjourn, do I hear a second?

MRS. ALKSNE: Second.

MR. PROFFITT: Questions, comments, discussion? Hearing none, all those in favor of the motion as stated, signify by saying aye.

ALL MEMBERS: Aye.

MR. PROFFITT: Opposed, indicate nay? (none) Motion carries. Meeting is adjourned.